

Designation Run Report

DW03_Donald Walker Plaintiffs' Submission

Walker, Donald 01-10-2019

Plaintiffs Affirmative Designations 02:00:59

Defense Counter Designations 00:22:39

Plaintiff Counter Counters 00:16:58

Defense Completeness Counter Counters 00:06:03

Total Time 02:46:39



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15:10 - 15:21	Walker, Donald 01-10-2019 (00:00:16) 15:10 Q. Sir, my name is Eric Kennedy. You 15:11 understand that I represent the plaintiffs in this 15:12 case? 15:13 A. I do. 15:14 Q. And could you please state your full 15:15 name for the record. 15:16 A. Donald Walker. 15:17 Q. And are you currently employed? 15:18 A. I am not. 15:19 Q. And your prior employer was McKesson; 15:20 would that be true? 15:21 A. That's correct.	DW03_Donald Walker Plaintiffs' Submission.1
16:11 - 16:18	Walker, Donald 01-10-2019 (00:00:24) 16:11 Q. When did you begin your career with 16:12 McKesson? 16:13 A. I joined McKesson in 1987. 16:14 Q. And when you joined them, what was 16:15 your position? 16:16 A. My first position with McKesson was 16:17 as a Transportation Manager with one of the 16:18 subsidiary companies that McKesson had.	DW03_Donald Walker Plaintiffs' Submission.2
16:22 - 17:4	Walker, Donald 01-10-2019 (00:00:27) 16:22 Q. And what was the next position that 16:23 you held with McKesson? 16:24 A. I held the position with the -- what 16:25 was then the McKesson Drug Company and 17:1 Transportation, and had responsibility for 17:2 transportation planning. 17:3 Q. And when did you take that position? 17:4 A. About 1991.	DW03_Donald Walker Plaintiffs' Submission.3
17:14 - 17:19	Walker, Donald 01-10-2019 (00:00:23) 17:14 Q. What was your next position at 17:15 McKesson? 17:16 A. I was the Distribution Center Manager 17:17 of our Sacramento Distribution Center. 17:18 Q. When did you take that position? 17:19 A. My best recollection is about 1992.	DW03_Donald Walker Plaintiffs' Submission.4
17:20 - 18:8	Walker, Donald 01-10-2019 (00:00:48) 17:20 Q. And what were your duties and	DW03_Donald Walker Plaintiffs' Submission.5

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	17:21 responsibilities then, as the manager of a 17:22 distribution center? 17:23 A. I had responsibility for oversight of 17:24 our daily distribution of pharmaceuticals to 17:25 pharmacies served by that distribution center.	
	18:1 Q. And that position would have involved 18:2 the distribution of opioids; would it not? 18:3 A. As part of our distribution, we did 18:4 distribute controlled substances to pharmacies. 18:5 Q. Did you have any responsibility at 18:6 that point in time with respect to the creation, 18:7 management or implementation of anti-diversion 18:8 regulations and policies at McKesson?	
18:10 - 19:4	Walker, Donald 01-10-2019 (00:01:13) 18:10 THE WITNESS: No. At that time I was 18:11 executing against existing policies the company had 18:12 in place. 18:13 BY MR. KENNEDY: 18:14 Q. What were in place from 1992 to the 18:15 late '90s? What was the policy in place? 18:16 A. There were -- the policies we had 18:17 were contained in our Operations Manuals that 18:18 specified our responsibilities to comply to 18:19 regulations for handling and distribution of 18:20 controlled substances. 18:21 Q. We know about the existence of 18:22 Standard Operating Procedure 55. Are you familiar 18:23 with that? 18:24 A. Yes. 18:25 Q. Was that the policy and procedure 19:1 that was in place in the 1990s? 19:2 A. The Section 55 of our Operations 19:3 Manual covered the responsibilities with the handling 19:4 and distribution of controlled substances.	DW03_Donald Walker Plaintiffs' Submission.6
19:5 - 19:10	Walker, Donald 01-10-2019 (00:00:25) 19:5 Q. Sir, that wasn't my question. I was 19:6 asking, was Standard Operating Procedure Section 55, 19:7 was that the policy in place in the 1990s? 19:8 A. My recollection is that Section 55 19:9 was the applicable policy in place during a period in	DW03_Donald Walker Plaintiffs' Submission.7

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19:11 - 20:14	<p>19:10 the 1990s.</p> <p>Walker, Donald 01-10-2019 (00:01:40)</p> <p>19:11 Q. How long did you hold the position as 19:12 a Distribution Center Manager?</p> <p>19:13 A. I recall it was approximately 18 19:14 months.</p> <p>19:15 Q. So sometime in 1993/94, you took on 19:16 a new position?</p> <p>19:17 A. Yes. In 19 -- in that time frame, I 19:18 don't recall exactly when, I was promoted to a new 19:19 position of Vice President of Distribution Operations 19:20 for their Western Region.</p> <p>19:21 Q. Western Region would be the western 19:22 part of the United States?</p> <p>19:23 A. Yes.</p> <p>19:24 Q. And what were your responsibilities 19:25 as VP of Distribution of the Western Region?</p> <p>20:1 A. I had responsibility for the 20:2 operations staff in the distribution centers that 20:3 comprised the Western Region. So the distribution 20:4 center managers that operated those facilities 20:5 reported to me.</p> <p>20:6 Q. And at that point in time -- how 20:7 long -- how long did you hold that position?</p> <p>20:8 A. I held that position until about 20:9 1996.</p> <p>20:10 Q. And in that position, did you have 20:11 responsibility -- other than the following of SOP 55, 20:12 did you have any duties, responsibilities, with the 20:13 creation and the management of anti-diversion 20:14 policies and procedures at McKesson?</p>	DW03_Donald Walker Plaintiffs' Submission.8
20:16 - 20:20	<p>Walker, Donald 01-10-2019 (00:00:19)</p> <p>20:16 THE WITNESS: In that role I had 20:17 responsibility for the distribution centers and their 20:18 execution of their responsibilities under Section 55 20:19 to the handling and distribution of controlled 20:20 substances.</p>	DW03_Donald Walker Plaintiffs' Submission.9
20:25 - 21:4	<p>Walker, Donald 01-10-2019 (00:00:13)</p> <p>20:25 Q. And what position did you take in 21:1 1996?</p>	DW03_Donald Walker Plaintiffs' Submission.10

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21:2 - 21:14	21:2 A. In 1996 I was promoted to the Senior 21:3 Vice President of Distribution for McKesson 21:4 Pharmaceutical. Walker, Donald 01-10-2019 (00:00:19)	DW03_Donald Walker Plaintiffs' Submission.11
21:10 - 21:14	21:10 Q. Is that the position you held until 21:11 the time of your retirement? 21:12 A. Yes, with the exception of a period 21:13 of time from approximately 2000 to 2005 where I was 21:14 responsible for our Six Sigma organization.	
21:15 - 21:18	Walker, Donald 01-10-2019 (00:00:12) 21:15 Q. And what is that? 21:16 A. Six Sigma is a process improvement 21:17 methodology that we introduced to the company at that 21:18 time, and I was the senior leader of our Six Sigma.	DW03_Donald Walker Plaintiffs' Submission.12
21:22 - 22:9	Walker, Donald 01-10-2019 (00:00:38) 21:22 Q. From '96 to 2000, in this four-year 21:23 period, what are your responsibilities as a Senior VP 21:24 of Distribution as it related to the distribution of 21:25 opioids? 22:1 A. As the Senior Vice President of 22:2 Distribution, included in my responsibility was our 22:3 Regulatory Affairs Group. It was our overall 22:4 responsibility to ensure that we were complying with 22:5 regulations associated with the handling and 22:6 distribution of controlled substances. 22:7 Q. And would that be on a national 22:8 basis? 22:9 A. Yes.	DW03_Donald Walker Plaintiffs' Submission.13
38:5 - 38:7	Walker, Donald 01-10-2019 (00:00:10) 38:5 Q. I want to make sure I get this right, 38:6 because I think you've told me a number of times -- 38:7 and this is what you've told me. Is this accurate,	DW03_Donald Walker Plaintiffs' Submission.14
38:8 - 38:9	Walker, Donald 01-10-2019 (00:00:08) 38:8 then? McKesson's -- McKesson is responsible to 38:9 comply with the regulations; is that your testimony?	DW03_Donald Walker Plaintiffs' Submission.15
38:11 - 38:14	Walker, Donald 01-10-2019 (00:00:07) 38:11 THE WITNESS: McKesson's responsibility was 38:12 to comply with the Code of Federal Regulations in 38:13 which govern the handling and distribution of 38:14 controlled substances.	DW03_Donald Walker Plaintiffs' Submission.16

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40:5 - 40:9	Walker, Donald 01-10-2019 (00:00:14) 40:5 So let's take a look at whether or not 40:6 McKesson fulfilled its responsibility -- 40:7 all right? -- according to Mr. Walker's view of their 40:8 responsibility. All right? 40:9 A. Okay.	DW03_Donald Walker Plaintiffs' Submission.17
40:15 - 40:21	Walker, Donald 01-10-2019 (00:00:33) 40:15 Q. So let's look at McKesson's 40:16 fulfilling of its responsibility, then, as you have 40:17 described it. This is Exhibit 688, Bates -00496859 40:18 to -875. 40:19 This is a memorandum. Do you see that up at 40:20 the top, it says, "Memorandum"? 40:21 A. Yes. Give me just a minute.	DW03_Donald Walker Plaintiffs' Submission.18
40:22 - 40:22	Walker, Donald 01-10-2019 (00:00:01) 40:22 Yes.	DW03_Donald Walker Plaintiffs' Submission.19
40:24 - 41:8	Walker, Donald 01-10-2019 (00:00:27) 40:24 Q. And this is a Memorandum. This is a 40:25 DEA document; is it not? Do you see the DEA logo, 41:1 U.S. Department of Justice, Drug Enforcement 41:2 Administration? This is a memo from the DEA, from 41:3 their documents; true? 41:4 A. That's what's on the document, yes. 41:5 Q. Well, Mr. Walker, you have seen this 41:6 document before; have you not? This came from your 41:7 files. 41:8 A. Yes, I have seen this document.	DW03_Donald Walker Plaintiffs' Submission.20
41:15 - 42:22	Walker, Donald 01-10-2019 (00:01:28) 41:15 Q. All right. So this is a memorandum. 41:16 This is a DEA memorandum. The subject is, "Internet 41:17 Presentation with McKesson Corporation on 41:18 September 1, 2005"; is that right? 41:19 A. That's in the subject title, yes. 41:20 Q. And so what they are talking about is 41:21 a September 1, 2005, meeting that McKesson had with 41:22 the DEA; true? Is that true? 41:23 A. Yes, I think it represents the 41:24 meeting we had. 41:25 Q. And this is an internal memoranda 42:1 that Mr. Mapes, from the DEA, created for Joseph	DW03_Donald Walker Plaintiffs' Submission.21

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	<p>42:2 Rannazzisi of the DEA; true? Is that true?</p> <p>42:3 A. That would appear to be correct.</p> <p>42:4 Q. And you know who Mr. Rannazzisi of</p> <p>42:5 the DEA is, do you not?</p> <p>42:6 A. Yes, I do.</p> <p>42:7 Q. He held an important position with</p> <p>42:8 the DEA; did he not?</p> <p>42:9 A. Mr. Rannazzisi was the head of</p> <p>42:10 diversion control.</p> <p>42:11 Q. And that's an important position; is</p> <p>42:12 it not?</p> <p>42:13 A. I believe so.</p> <p>42:14 Q. All right. Let's read the first</p> <p>42:15 paragraph. Again, they are talking about a</p> <p>42:16 September 1 meeting. This is a DEA memo. It says:</p> <p>42:17 (Reading) On September 1, 2005, a</p> <p>42:18 meeting was held at the Office of</p> <p>42:19 Diversion Control conference room. In</p> <p>42:20 attendance were Mr. John Gilbert (end</p> <p>42:21 of reading).</p> <p>42:22 He's from McKesson; right?</p>	
42:25 - 43:10	Walker, Donald 01-10-2019 (00:00:24)	DW03_Donald Walker Plaintiffs' Submission.22
	<p>42:25 Q. He's legal counsel at McKesson?</p> <p>43:1 A. Mr. Gilbert is outside counsel for</p> <p>43:2 McKesson.</p> <p>43:3 Q. All right. A lawyer; right?</p> <p>43:4 A. Yes, he's a lawyer.</p> <p>43:5 Q. Ronald Bone, Senior Vice President,</p> <p>43:6 Distribution Support. He's from McKesson; correct?</p> <p>43:7 A. Yes.</p> <p>43:8 Q. Gary Hilliard, Director of Regulatory</p> <p>43:9 Affairs was present; right?</p> <p>43:10 A. Yes.</p>	
44:11 - 44:24	Walker, Donald 01-10-2019 (00:00:32)	DW03_Donald Walker Plaintiffs' Submission.23
	<p>44:11 Q. That last sentence in the first</p> <p>44:12 paragraph states:</p> <p>44:13 (Reading) The purpose of the meeting</p> <p>44:14 was to address the illegal domestic</p> <p>44:15 Internet pharmacy problem and their</p> <p>44:16 source of supply (end of reading).</p>	

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	44:17 Did I read that right? 44:18 A. Yes. 44:19 Q. And it says, "Illegal"; does it not? 44:20 A. That is what is written. 44:21 Q. And you understand that they said 44:22 they wanted to talk to you about source of supply. 44:23 That's McKesson, because McKesson is a source of 44:24 supply to pharmacies; true?	DW03_Donald Walker Plaintiffs' Submission.24
45:2 - 45:4	Walker, Donald 01-10-2019 (00:00:07) 45:2 Q. That's what they are talking about? 45:3 A. McKesson's role in the pharmaceutical 45:4 supply chain is to supply pharmacies.	DW03_Donald Walker Plaintiffs' Submission.25
45:5 - 45:6	Walker, Donald 01-10-2019 (00:00:04) 45:5 Q. They are a source of supply? That's 45:6 what they are talking about in this memo; true?	DW03_Donald Walker Plaintiffs' Submission.26
45:8 - 45:10	Walker, Donald 01-10-2019 (00:00:06) 45:8 THE WITNESS: I'm not sure what their intent 45:9 in writing the "source of supply." But McKesson does 45:10 supply pharmacies.	DW03_Donald Walker Plaintiffs' Submission.26
45:25 - 46:5	Walker, Donald 01-10-2019 (00:00:15) 45:25 Q. All right. From your background, 46:1 your experience in dealing with the DEA, this is an 46:2 important meeting? If the DEA is bringing all these 46:3 folks from McKesson and the DEA is bringing all these 46:4 people to a meeting, and there's lawyers involved, 46:5 can we agree this was an important meeting?	DW03_Donald Walker Plaintiffs' Submission.27
46:6 - 47:15	Walker, Donald 01-10-2019 (00:01:41) 46:6 A. I would acknowledge that DEA had, you 46:7 know, regular meetings with -- with McKesson and 46:8 other distributors. Their intent in this meeting, 46:9 you know, is it important, you know, again, I'm not 46:10 going to speak for DEA. It would appear to be. 46:11 Q. Let me ask you, meetings like this 46:12 didn't happen every week with the DEA where lawyers 46:13 are involved, the DEA is bringing all these folks, 46:14 and McKesson is bringing all these folks? These type 46:15 meetings with the DEA did not happen every week; 46:16 would that be true? 46:17 A. Meetings at DEA headquarters were 46:18 not, you know, frequent.	DW03_Donald Walker Plaintiffs' Submission.28

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46:19	Q. This didn't even happen every month,	
46:20	where this many people from McKesson were brought in	
46:21	to meet this many people at DEA headquarters? It	
46:22	didn't even happen once a month; did it?	
46:23	A. Not that I recall.	
46:24	Q. This is an unusual, important	
46:25	meeting; is it not?	
47:1	A. It would appear to be.	
47:2	Q. Let's go to the next paragraph down.	
47:3	Again, this is a -- the DEA memo about September 1,	
47:4	2005. The next paragraph starts with, "Mr. Mapes."	
47:5	(Reading) Mr. Mapes opened the meeting	
47:6	by presenting to the representatives	
47:7	of McKesson Corporation a PowerPoint	
47:8	briefing which explained the common	
47:9	characteristics of Internet pharmacies	
47:10	and why their activities are illegal	
47:11	(end of reading).	
47:12	So the DEA, at least according to this memo,	
47:13	felt that these Internet pharmacies that McKesson was	
47:14	supplying, that their activities were illegal; is	
47:15	that what that says?	
47:18 - 48:12	Walker, Donald 01-10-2019 (00:00:44)	DW03_Donald Walker Plaintiffs' Submission.29
47:18	Q. Sir, is that what that says?	
47:19	A. I'm reading it. It says, "the common	
47:20	characteristics of Internet pharmacies and why their	
47:21	activities are illegal."	
47:22	Q. "Illegal," that's the DEA word;	
47:23	right?	
47:24	A. That's what is written.	
47:25	Q. And they told that -- at least	
48:1	according to this memo, they told McKesson on	
48:2	September 1, 2005, that the activities of the	
48:3	Internet pharmacies, in their opinion, were illegal;	
48:4	right? Is that what it says?	
48:5	A. Yes.	
48:6	Q. Then the next sentence in the	
48:7	memoranda states:	
48:8	(Reading) Reviewed with the	
48:9	representatives of McKesson Corp.,	

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	48:10 were (end of reading). 48:11 And then there's some bullet points of what 48:12 were reviewed; true? Walker, Donald 01-10-2019 (00:00:11)	DW03_Donald Walker Plaintiffs' Submission.30
48:15 - 48:19	48:15 Q. Do you see the bullet points? 48:16 A. Yes, I do. 48:17 Q. They talked about Supreme Court 48:18 cases, suspension orders with respect to Internet 48:19 pharmacies; right? Walker, Donald 01-10-2019 (00:00:02)	DW03_Donald Walker Plaintiffs' Submission.31
48:21 - 48:22	48:21 THE WITNESS: That's what is written in the 48:22 memo. Walker, Donald 01-10-2019 (00:00:03)	DW03_Donald Walker Plaintiffs' Submission.32
48:24 - 48:25	48:24 Q. They talked about the DEA Internet 48:25 policy with McKesson; did they not? Walker, Donald 01-10-2019 (00:00:01)	DW03_Donald Walker Plaintiffs' Submission.33
49:2 - 49:3	49:2 THE WITNESS: Again, that is what is 49:3 written. Walker, Donald 01-10-2019 (00:00:06)	DW03_Donald Walker Plaintiffs' Submission.34
49:12 - 49:14	49:12 Q. They talked about suspicious order 49:13 requirements of Title 21. They talked about that 49:14 with McKesson on this day; true? Walker, Donald 01-10-2019 (00:00:02)	DW03_Donald Walker Plaintiffs' Submission.35
49:16 - 49:17	49:16 THE WITNESS: That is what is written in the 49:17 document. Walker, Donald 01-10-2019 (00:00:09)	DW03_Donald Walker Plaintiffs' Submission.36
49:19 - 49:22	49:19 Q. And they talked to McKesson about 49:20 some of the practices and ordering patterns of these 49:21 Internet pharmacies that they thought were engaged in 49:22 illegal activities; true? Walker, Donald 01-10-2019 (00:00:02)	DW03_Donald Walker Plaintiffs' Submission.37
49:24 - 49:25	49:24 THE WITNESS: Again, what is documented here 49:25 is that. Walker, Donald 01-10-2019 (00:00:44)	DW03_Donald Walker Plaintiffs' Submission.38
50:2 - 50:17	50:2 Q. All right. Now, let's look to the 50:3 next paragraph. This is -- and I'm going to you ask 50:4 you if you can agree how important this next 50:5 paragraph is, though. 50:6 The next paragraph states: 50:7 (Reading) After the presentation,	

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	50:8 Mr. Mapes presented to representatives 50:9 of McKesson Corporation specific 50:10 customers of McKesson Corporation who 50:11 have ordered substantial quantities of 50:12 hydrocodone products. These specific 50:13 customers of McKesson Corporation were 50:14 (end of reading). 50:15 And then they list United Prescription 50:16 Services and Ninth Avenue Pharmacy; do you see that? 50:17 A. I see that on the document.	
50:24 - 51:7	Walker, Donald 01-10-2019 (00:00:32) 50:24 Q. So you agree with me, this paragraph 50:25 is important because this is documenting the fact 51:1 that on September 1, 2005, the DEA actually pointed 51:2 out to McKesson two of its customers, at least two of 51:3 its customers, that McKesson was selling substantial 51:4 amounts of hydrocodone products to; correct? That's 51:5 important? They are actually telling McKesson, 51:6 here's some Internet pharmacies that you're selling a 51:7 lot of hydrocodones to. That's important; true?	DW03_Donald Walker Plaintiffs' Submission.39
51:9 - 52:11	Walker, Donald 01-10-2019 (00:01:14) 51:9 THE WITNESS: In that I wasn't at the 51:10 meeting, all I can infer is that the document states 51:11 that Mr. Mapes presented to representatives of 51:12 McKesson specific customers of who have ordered 51:13 substantial quantities of hydrocodone products. 51:14 BY MR. KENNEDY: 51:15 Q. Let's look to the next paragraph, the 51:16 final paragraph in this first page. It states: 51:17 (Reading) Mr. Mapes -- he's from the 51:18 DEA -- finalized the presentation by 51:19 advising the representatives of 51:20 McKesson Corporation that they needed 51:21 to thoroughly review the materials 51:22 provided which had been presented to 51:23 them and review in depth the 51:24 purchasing patterns and quantities of 51:25 their customers (end of reading). 52:1 So the DEA is telling McKesson here that 52:2 they have to thoroughly review the materials, and	DW03_Donald Walker Plaintiffs' Submission.40

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	52:3 they have to review in depth the purchasing patterns 52:4 and quantities of their customers; is that what it 52:5 says? 52:6 A. That's what the document says. 52:7 Q. And it indicates that the 52:8 representatives of McKesson acknowledge understanding 52:9 of the material presented. Is that the final 52:10 statement? 52:11 A. Yes, that's what's in the document.	DW03_Donald Walker Plaintiffs' Submission.41
52:15 - 52:17	Walker, Donald 01-10-2019 (00:00:06) 52:15 Q. And you clearly would have seen this 52:16 document back in 2005, 2006? We got it out of your 52:17 files; correct? You saw it back then; right?	DW03_Donald Walker Plaintiffs' Submission.42
52:19 - 52:21	Walker, Donald 01-10-2019 (00:00:07) 52:19 THE WITNESS: I don't recall seeing this 52:20 document, this internal DEA document, prior to the 52:21 review with counsel.	DW03_Donald Walker Plaintiffs' Submission.42
53:9 - 53:15	Walker, Donald 01-10-2019 (00:00:19) 53:9 Q. And could we agree that given the 53:10 fact at this meeting, and that they brought everybody 53:11 into headquarters, can we agree that the DEA wanted 53:12 to make sure that McKesson was aware that Internet 53:13 pharmacies were conducting themselves in an illegal 53:14 fashion? They wanted you folks to know. Would you 53:15 agree with that?	DW03_Donald Walker Plaintiffs' Submission.43
53:17 - 53:20	Walker, Donald 01-10-2019 (00:00:13) 53:17 THE WITNESS: I would agree that based on 53:18 what is in this document, they are concerned over 53:19 Internet pharmacies. Again, I wasn't at the meeting, 53:20 so I don't understand the tone.	DW03_Donald Walker Plaintiffs' Submission.44
54:11 - 54:16	Walker, Donald 01-10-2019 (00:00:16) 54:11 Q. During the meeting, during this 54:12 meeting, the DEA specifically pointed out that 54:13 McKesson was selling a significant amount of 54:14 hydrocodones to Internet pharmacies; true? I mean, 54:15 we just read that. They pointed that out to McKesson 54:16 at this meeting; right?	DW03_Donald Walker Plaintiffs' Submission.45
54:18 - 54:24	Walker, Donald 01-10-2019 (00:00:12) 54:18 THE WITNESS: That's what's represented in 54:19 the document.	DW03_Donald Walker Plaintiffs' Submission.46

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	54:20 BY MR. KENNEDY: 54:21 Q. And this is a meeting that took place 54:22 on September 1, 2005; right? 54:23 A. That was the date of the meeting, as 54:24 I understand it.	
54:25 - 55:2	Walker, Donald 01-10-2019 (00:00:15) 54:25 MR. KENNEDY: All right. Let's go four 55:1 months later. All right. Four months later. If we 55:2 could look at Exhibit 689, please.	DW03_Donald Walker Plaintiffs' Submission.47
55:6 - 55:11	Walker, Donald 01-10-2019 (00:00:10) 55:6 Q. You have got a September 1 meeting, 55:7 2005. I want to talk about four months later. You 55:8 have seen this document; have you not? 55:9 A. Yes, I have. 55:10 Q. This is from your files. 55:11 A. Yes, I have seen this document.	DW03_Donald Walker Plaintiffs' Submission.48
55:14 - 57:7	Walker, Donald 01-10-2019 (00:01:59) 55:14 Q. This is another -- this is another 55:15 DEA memo; is it not? 55:16 A. It would appear to be a DEA memo, 55:17 yes. 55:18 Q. And the subject of this memo is a 55:19 January 3, 2006, meeting with the DEA; true? True? 55:20 A. Yes. 55:21 Q. So McKesson is brought into the DEA 55:22 on September 1, '05. And now this is four months 55:23 later, January 3, 2006; true? 55:24 A. The meeting was held in January of 55:25 2006, yes. 56:1 Q. Now, this is a DEA memo, again, 56:2 written to Mr. Rannazzisi; correct? 56:3 A. That's correct. 56:4 Q. Let's look to the first paragraph. 56:5 They are referencing this meeting, the second meeting 56:6 four months after the first. And they state: 56:7 (Reading) On January 3, 2006, a 56:8 meeting was held at the Office of 56:9 Diversion Control conference room 56:10 between representatives of McKesson 56:11 Corporation and the Drug Enforcement	DW03_Donald Walker Plaintiffs' Submission.49

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	56:12 Administration (end of reading).	
	56:13 The second paragraph states:	
	56:14 (Reading) Representing McKesson	
	56:15 Corporation were Donald G. Walker" --	
	56:16 That's you; right?	
	56:17 A. Yes, it is.	
	56:18 Q. You're at the second meeting; right?	
	56:19 A. Yes, I was at this meeting.	
	56:20 Q. And that point you were Senior Vice	
	56:21 President of Distribution Operations; correct?	
	56:22 A. That is correct.	
	56:23 Q. So you're sitting on top of	
	56:24 Regulatory Affairs at that point; true?	
	56:25 A. Yes.	
	57:1 Q. Bill Mahoney, Distribution Center	
	57:2 Manager, Lakeland Distribution Center, Florida, was	
	57:3 there; right? McKesson employee; true?	
	57:4 A. Yes.	
	57:5 Q. Gary Hilliard, Director of Regulatory	
	57:6 Affairs, was there; right?	
	57:7 A. Yes.	
57:10 - 57:23	Walker, Donald 01-10-2019 (00:00:28)	DW03_Donald Walker Plaintiffs' Submission 50
	57:10 Q. And John Gilbert, one of McKesson's	
	57:11 lawyers was present; true?	
	57:12 A. That is correct.	
	57:13 Q. And it says -- next paragraph down it	
	57:14 outlines now who is there from the DEA. It says:	
	57:15 (Reading) Representing Drug	
	57:16 Enforcement Administration (DEA)	
	57:17 Office of Diversion Control (OD) were	
	57:18 Joseph Rannazzisi, Deputy Assistant	
	57:19 Administrator, Michael R. Mapes,	
	57:20 Chief, E-Commerce Section (end of	
	57:21 reading).	
	57:22 Another DEA person; true?	
	57:23 A. Yes.	
57:24 - 58:5	Walker, Donald 01-10-2019 (00:00:16)	DW03_Donald Walker Plaintiffs' Submission 51
	57:24 Q. Kyle Wright, Chief E-Commerce	
	57:25 Operations from the DEA was present; right?	
	58:1 A. Yes.	

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	<p>58:2 Q. And then Charles E. Trant, a DEA 58:3 Chief Counsel, a lawyer, was also present; right? 58:4 A. That's what's represented on the 58:5 document, yes.</p> <p>Walker, Donald 01-10-2019 (00:01:12)</p> <p>58:6 Q. The next paragraph down. Could you 58:7 read that to us. Read the next paragraph down. 58:8 A. (Reading) The purpose of this 58:9 meeting -- or the meeting was to 58:10 discuss the delivery of over two 58:11 million dosage units of hydrocodone to 58:12 pharmacies located in Tampa, Florida, 58:13 area alleged to be Internet pharmacies 58:14 (end of reading).</p> <p>58:15 Q. Hadn't McKesson just met with the DEA 58:16 four months earlier about Internet pharmacies and 58:17 their illegal activity? Isn't that what we just 58:18 looked at before this document? Four months earlier 58:19 you had a meeting; correct?</p> <p>58:20 A. McKesson participated in a meeting in 58:21 September --</p> <p>58:22 Q. About Internet pharmacy --</p> <p>58:23 A. -- 2005.</p> <p>58:24 Q. About Internet pharmacies and illegal 58:25 activity; right?</p> <p>59:1 A. As was represented in the document, 59:2 yes.</p> <p>59:3 Q. And what you have just read to us, it 59:4 looks like the DEA is bringing you back four months 59:5 later, because McKesson sold two million dosages of 59:6 hydrocodone to Internet pharmacies after that 59:7 meeting; right? That's the purpose of this next 59:8 meeting?</p>	DW03_Donald Walker Plaintiffs' Submission.02
59:11 - 59:16	<p>Walker, Donald 01-10-2019 (00:00:19)</p> <p>59:11 Q. True?</p> <p>59:12 A. I don't know that to be accurate.</p> <p>59:13 What is stated here is the delivery of two million 59:14 dosages of units of hydrocodone to pharmacies in that 59:15 area, which is --</p> <p>59:16 Q. It says Internet pharmacies --</p>	DW03_Donald Walker Plaintiffs' Submission.02

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59:20 - 60:6	<p>Walker, Donald 01-10-2019 (00:00:26)</p> <p>59:20 THE WITNESS: Internet pharmacies, but it 59:21 didn't specify the time frame that they are referring 59:22 to.</p> <p>59:23 BY MR. KENNEDY:</p> <p>59:24 Q. Oh, we are going to get to the time 59:25 frame. Because two million doses of hydrocodone, 60:1 sir, you know from your 20, 30 years of experience, 60:2 that's a lot of hydrocodone drug; is it not? That's 60:3 a lot?</p> <p>60:4 A. Depending on the time frame, Counsel. 60:5 And I can't answer whether that's an appropriate 60:6 number or an excessive number.</p>	DW03_Donald Walker Plaintiffs' Submission.54
60:21 - 62:17	<p>Walker, Donald 01-10-2019 (00:01:43)</p> <p>60:21 Q. Okay. Bullet point No. 1, they are 60:22 referencing the first meeting that took place four 60:23 months earlier. And this first bullet point states: 60:24 (Reading) A meeting between McKesson 60:25 Corp and E-Commerce Section -- that 61:1 would be the DEA -- was held 61:2 September 1, 2005, at which time 61:3 McKesson Corp. was given a full 61:4 detailed briefing of the OD 61:5 Distributor's initiative to address 61:6 the Internet pharmacy problem. 61:7 McKesson Corp. was provided a briefing 61:8 book covering the briefing and all 61:9 supporting documentation (end of 61:10 reading). 61:11 So they are talking about the meeting that 61:12 took place four months earlier about the Internet 61:13 pharmacies; correct? 61:14 A. I believe that's correct. 61:15 Q. The next bullet: 61:16 (Reading) Issues to be considered were 61:17 frequency of orders, size of orders, 61:18 range of product purchases, and 61:19 percentage of controlled versus 61:20 non-controlled (end of reading). 61:21 Did I read that right?</p>	DW03_Donald Walker Plaintiffs' Submission.55

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61:22	A. Yes.	
61:23	Q. And, again, they are talking about	
61:24	that meeting on September 1. The next bullet point:	
61:25	(Reading) Current controlled	
62:1	substances being abused via the	
62:2	Internet were identified as	
62:3	hydrocodone, alprazalam and	
62:4	Phentermine (end of reading).	
62:5	Do you see that?	
62:6	A. Yes.	
62:7	Q. Look at that last bullet, though.	
62:8	Let's focus on that last bullet, because they are	
62:9	talking -- they are reflecting back on the meeting	
62:10	that took place four months earlier. And the DEA in	
62:11	that last bullet point states:	
62:12	(Reading) Specifically addressed	
62:13	concerns with United Prescription	
62:14	Services, a current customer of	
62:15	McKesson's (end of reading).	
62:16	Do you see that, sir?	
62:17	A. Yes, I see what's written.	
63:2 - 64:18	Walker, Donald 01-10-2019 (00:01:49)	DW03_Donald Walker Plaintiffs' Submission.S6
63:2	Q. The next bullet point on the next	
63:3	page, it next states, "On October 6, 2005" -- that	
63:4	would be one month after the September 1 meeting;	
63:5	true?	
63:6	A. Yes.	
63:7	Q. It states:	
63:8	(Reading) On October 6, 2005,	
63:9	Mr. Mapes" -- and he's from the DEA --	
63:10	called Mr. Gilbert (end of reading).	
63:11	And he's from McKesson; right?	
63:12	A. Mr. Gilbert was our outside counsel.	
63:13	Q. So you've got on September 6, one	
63:14	month after the DEA meeting.	
63:15	(Reading) Mr. Mapes, of the DEA, calls	
63:16	McKesson's lawyer to discuss comments	
63:17	the E-Commerce Section -- and that's	
63:18	the DEA -- to discuss comments the	
63:19	E-Commerce Section had received that	

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	63:20 McKesson Corp. was not taking the 63:21 Internet pharmacy problem seriously. 63:22 Mr. Mapes, DEA, was assured by 63:23 Mr. Gilbert that McKesson Corp. was 63:24 taking the matters seriously and 63:25 working to change their procedures 64:1 (end of reading). 64:2 Did I read that right? 64:3 A. Yes. 64:4 Q. On October -- next bullet point. 64:5 This is four days later. So you've had a meeting on 64:6 September 1; they called you a month later saying 64:7 you're not taking it serious; and four days later 64:8 does this bullet point state: 64:9 (Reading) On October 10, 2005, a DEA 64:10 investigator from the Tampa District 64:11 Office contacted Bill Mahoney at the 64:12 McKesson Distribution Center in 64:13 Lakeland, Florida, and expressed 64:14 concerns of hydrocodone sales to 64:15 United Prescription Services (end of 64:16 reading)? 64:17 Did I read that right? 64:18 A. Yes.	
64:25 - 65:3	Walker, Donald 01-10-2019 (00:00:09)	DW03_Donald Walker Plaintiffs' Submission.07
	64:25 Q. A month and nine days after being 65:1 warned about United Prescription Services, McKesson 65:2 is getting a call and warning them again; true? Is 65:3 that what that bullet point says?	
65:5 - 65:6	Walker, Donald 01-10-2019 (00:00:01)	DW03_Donald Walker Plaintiffs' Submission.08
	65:5 THE WITNESS: That's what's in the document. 65:6 BY MR. KENNEDY:	
65:16 - 66:11	Walker, Donald 01-10-2019 (00:00:56)	DW03_Donald Walker Plaintiffs' Submission.09
	65:16 Q. So it states: 65:17 (Reading) The E-Commerce Section of 65:18 the DEA retrieved the ARCOS data which 65:19 revealed that between October 10 and 65:20 October 21, 2005, the following 65:21 alleged Internet pharmacies received 65:22 the identified quantities of	

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	<p>65:23 hydrocodone (end of reading).</p> <p>65:24 Remember, you said you can't tell us whether</p> <p>65:25 or not two million dosages was a lot, it depends on</p> <p>66:1 the time frame; right? Remember you just -- you just</p> <p>66:2 told us that, and how many people you're selling to</p> <p>66:3 in the time frame; right?</p> <p>66:4 A. Yes.</p> <p>66:5 Q. We're talking about an 11-day period</p> <p>66:6 here; are we not? The E-Commerce Section received</p> <p>66:7 ARCos data which revealed that between October 10 and</p> <p>66:8 October 20, 2005, the following alleged Internet</p> <p>66:9 pharmacies received the identified quantities of</p> <p>66:10 hydrocodone. We're talking about 11 days; right? Is</p> <p>66:11 that what we're talking about, 11 days?</p>	
66:13 - 67:2	<p>Walker, Donald 01-10-2019 (00:00:43)</p> <p>66:13 THE WITNESS: That's what's documented.</p> <p>66:14 BY MR. KENNEDY:</p> <p>66:15 Q. It says here, United Prescription</p> <p>66:16 Services -- after being warned about them, it says</p> <p>66:17 here, does it not, that McKesson in this 11 days</p> <p>66:18 distributed them 252,100 units of hydrocodone; is</p> <p>66:19 that what it says?</p> <p>66:20 A. That's what it says and is alleged</p> <p>66:21 here, yes.</p> <p>66:22 Q. You know that at this point in time,</p> <p>66:23 the DEA, their statistics in ARCos, were showing that</p> <p>66:24 the average monthly, average monthly distribution by</p> <p>66:25 a distributorship of McKesson was 5,000 units of</p> <p>67:1 hydrocodone? Do you remember that? Remember that</p> <p>67:2 communication, all during this period?</p>	DW03_Donald Walker Plaintiffs' Submission.60
67:4 - 67:12	<p>Walker, Donald 01-10-2019 (00:00:27)</p> <p>67:4 THE WITNESS: I recall DEA indicating that</p> <p>67:5 5,000 doses of controlled substances was average.</p> <p>67:6 BY MR. KENNEDY:</p> <p>67:7 Q. That's an average monthly dose;</p> <p>67:8 right?</p> <p>67:9 A. That's what I recall.</p> <p>67:10 Q. And, sir, so McKesson sends to United</p> <p>67:11 Prescription Services in an 11-day period, 50 times,</p> <p>67:12 50 times the monthly dosage; is that what it says?</p>	DW03_Donald Walker Plaintiffs' Submission.61

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67:14 - 67:23	<p>Walker, Donald 01-10-2019 (00:00:23)</p> <p>67:14 THE WITNESS: That's what the document says.</p> <p>67:15 BY MR. KENNEDY:</p> <p>67:16 Q. So I think you told us a couple</p> <p>67:17 minutes ago, to tell us whether or not the amount</p> <p>67:18 that you folks are distributing into a pharmacy, you</p> <p>67:19 need to know the time frame and the number of</p> <p>67:20 pharmacies.</p> <p>67:21 Can we agree that if McKesson send 50 times,</p> <p>67:22 50 times the monthly dosage in 11 days, that's</p> <p>67:23 inappropriate? That's too much?</p>	DW03_Donald Walker Plaintiffs' Submission 62
68:2 - 69:8	<p>Walker, Donald 01-10-2019 (00:01:55)</p> <p>68:2 Q. Would you agree with that?</p> <p>68:3 A. No, I don't agree specifically,</p> <p>68:4 because -- not understanding their pharmacies across</p> <p>68:5 the country, that have a wide variety of business</p> <p>68:6 models that require substantial quantities of</p> <p>68:7 controlled substances. And it also is based on DEA's</p> <p>68:8 average.</p> <p>68:9 Our view was that DEA -- how they calculated</p> <p>68:10 their average, we didn't understand. So their</p> <p>68:11 alleged average, whether it's accurate or not, we</p> <p>68:12 didn't know.</p> <p>68:13 Q. Let me ask you this. Forget the</p> <p>68:14 averages and forget everything else. You were</p> <p>68:15 involved in this, sir, for how many years?</p> <p>68:16 A. Probably 15 years in the role.</p> <p>68:17 Q. Given your background, experience, as</p> <p>68:18 we sit here today, sir, can you agree with me that if</p> <p>68:19 McKesson sent 250,000 units of hydrocodone to a</p> <p>68:20 single pharmacy in 11 days, sir, that is absolutely,</p> <p>68:21 positively, an extraordinary amount that should never</p> <p>68:22 have been shipped? Could we agree with that?</p> <p>68:23 A. What I would agree with is that we</p> <p>68:24 were -- all of these pharmacies were licensed and</p> <p>68:25 registered pharmacies, registered by the DEA, and we</p> <p>69:1 were filling prescriptions that were submitted to us,</p> <p>69:2 you know, based on a licensed pharmacy coming from a</p> <p>69:3 licensed prescription.</p> <p>69:4 Q. Sir, McKesson lost its license in six</p>	DW03_Donald Walker Plaintiffs' Submission 63

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69:10 - 69:20	<p>69:5 different distribution centers and was fined 69:6 \$13 million for this, and you're sitting here telling 69:7 us that sending 250,000 units of hydrocodone in 11 69:8 days is appropriate? Is that what you're telling us?</p> <p>Walker, Donald 01-10-2019 (00:00:32)</p> <p>69:10 THE WITNESS: What I can assure you is that 69:11 we were fulfilling orders for pharmacies that were 69:12 licensed and registered by the DEA and were 69:13 submitting to us orders.</p> <p>69:14 BY MR. KENNEDY:</p> <p>69:15 Q. The next bullet down, it says during 69:16 an 11-day period you sent Universal Rx 254,700 units 69:17 of hydrocodone. Is that what it says next?</p> <p>69:18 A. That's what the document says.</p> <p>69:19 Q. That would be 50 times the national 69:20 average, would it not, for a full month; true?</p>	DW02_Donald Walker Plaintiffs' Submission.04
69:23 - 70:3	<p>Walker, Donald 01-10-2019 (00:00:13)</p> <p>69:23 Q. Is that right?</p> <p>69:24 A. The --</p> <p>69:25 Q. Did I did do the division right? If 70:1 I put 50 into 250,000, it's about 50 times the 70:2 national average. Is that -- is my math right? I 70:3 suppose that's what I'm asking.</p>	DW03_Donald Walker Plaintiffs' Submission.05
70:5 - 70:20	<p>Walker, Donald 01-10-2019 (00:00:44)</p> <p>70:5 THE WITNESS: Again, the document indicates 70:6 that we shipped 250,000 dose units in -- in that time 70:7 frame. I don't have any independent knowledge of, A, 70:8 whether the quantities alleged is correct because I 70:9 don't have the original information or data; nor, as 70:10 I stated, the average, whether it was correct --</p> <p>70:11 BY MR. KENNEDY:</p> <p>70:12 Q. Well, sir --</p> <p>70:13 A. Based on DEA's view.</p> <p>70:14 Q. -- you don't have any knowledge 70:15 whether these are correct? You were directly 70:16 involved with this memo from the beginning, and this 70:17 led to negotiations and a settlement, and McKesson 70:18 losing its license to distribute opioids and a 70:19 \$13 million fine; did it not? You were directly 70:20 involved with that; were you not?</p>	DW02_Donald Walker Plaintiffs' Submission.06

DW03_Donald Walker Plaintiffs' Submission

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70:22 - 71:6	Walker, Donald 01-10-2019 (00:00:22) 70:22 THE WITNESS: I was directly involved in the 70:23 settlement with DEA and the penalties that were 70:24 associated with that. 70:25 /// 71:1 BY MR. KENNEDY: 71:2 Q. And you said you don't know whether 71:3 these numbers are accurate. Did McKesson ever, ever, 71:4 in fighting its suspension and the \$13 million fine, 71:5 did they ever claim that the numbers were inaccurate, 71:6 ever?	DW03_Donald Walker Plaintiffs' Submission.07
71:9 - 71:19	Walker, Donald 01-10-2019 (00:00:36) 71:9 Q. You were directly involved. Did they 71:10 ever say, well, we didn't really sell all that, ever? 71:11 A. I don't recall that we have ever had 71:12 the discussion with DEA around those numbers. 71:13 Q. It next states, "Avee Pharmacy." You 71:14 sold those folks, a single pharmacy, 520,000 units of 71:15 hydrocodone in 11 days. Is that what it says? 71:16 A. That's what the document says. 71:17 Q. That's a hundred times the 30-day 71:18 national average. And McKesson did that in 11 days; 71:19 is that -- is that right? Is my math right?	DW03_Donald Walker Plaintiffs' Submission.08
71:22 - 72:5	Walker, Donald 01-10-2019 (00:00:23) 71:22 Q. Is that right, sir? 71:23 A. Again, using those numbers, as I 71:24 stated earlier, the average, whether that's correct 71:25 or incorrect. But if that's what's alleged here, 72:1 then your math is correct. 72:2 BY MR. KENNEDY: 72:3 Q. And then Medipharm Rx, 500,900 in 11 72:4 days. Again, if my math is correct, that's a hundred 72:5 times the national average in 11 days; right?	DW03_Donald Walker Plaintiffs' Submission.09
72:7 - 72:13	Walker, Donald 01-10-2019 (00:00:18) 72:7 THE WITNESS: Again, the way you calculate 72:8 it, using that average and these documented numbers, 72:9 your math would be right. 72:10 BY MR. KENNEDY: 72:11 Q. And then to the Accumulated Pharmacy, 72:12 404,400. And that would be 80 times the national	DW03_Donald Walker Plaintiffs' Submission.10

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72:17 - 72:18	72:13 average; would it not? Walker, Donald 01-10-2019 (00:00:04)	DW03_Donald Walker Plaintiffs' Submission.71
73:5 - 74:3	72:17 A. Again, using your calculations, that 72:18 would be 80 times. Walker, Donald 01-10-2019 (00:01:13)	DW03_Donald Walker Plaintiffs' Submission.72
	73:5 Q. Mr. Walker, we just went through the 73:6 DEA's outline of McKesson's sale of two million 73:7 hydrocodones to six different pharmacies. I'm going 73:8 to go back for a second. I'm going to stop there on 73:9 this memo and reflect upon what you told us earlier. 73:10 This was your statement earlier with respect 73:11 to McKesson's responsibility; correct? Remember 73:12 going through that? 73:13 A. Yes. 73:14 Q. And Mr. Walker said, "McKesson's 73:15 responsibility was they were responsible to comply 73:16 with the Code of Federal Regulations in the handling 73:17 and distribution of controlled substances." That was 73:18 your statement with respect to McKesson's 73:19 responsibility; true? 73:20 A. Yes, it was. 73:21 Q. Hydrocodone is a controlled 73:22 substance; right? 73:23 A. Yes, it is. 73:24 Q. Can we agree that if McKesson -- as 73:25 the DEA has outlined here, if McKesson distributed 74:1 two million hydrocodones in 11 days to just six 74:2 pharmacies, that McKesson did not live up to the 74:3 responsibility that you have told us that they had?	
74:6 - 74:15	Walker, Donald 01-10-2019 (00:00:30)	DW03_Donald Walker Plaintiffs' Submission.73
	74:6 Q. Would you agree? 74:7 A. No, I wouldn't agree with that 74:8 statement. 74:9 Q. So -- just so we're clear here. On 74:10 the record here today, under your oath, it's your 74:11 position that the sale of two million hydrocodones in 74:12 11 days to six pharmacies is consistent with and 74:13 comports with McKesson's responsibility to comply 74:14 with Federal Regulations in the handling and 74:15 distribution of controlled substances; is that --	

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74:18 - 74:18	Walker, Donald 01-10-2019 (00:00:01) 74:18 Q. -- is that your testimony here?	DW03_Donald Walker Plaintiffs' Submission.74
74:21 - 74:22	Walker, Donald 01-10-2019 (00:00:02) 74:21 Q. Is that your testimony? I want to be 74:22 very clear.	DW03_Donald Walker Plaintiffs' Submission.75
74:24 - 75:13	Walker, Donald 01-10-2019 (00:00:40) 74:24 THE WITNESS: I don't agree with your 74:25 original statement. What I would state is that we 75:1 complied with the regulations regarding the 75:2 distribution. We reported to DEA. We sold only to 75:3 licensed pharmacies who had a licensed physician's 75:4 prescriptions. And we managed the security of our 75:5 controlled substances in compliance with the 75:6 regulations. 75:7 BY MR. KENNEDY: 75:8 Q. That wasn't my question. But you 75:9 just said you reported to the DEA. Am I correct that 75:10 not one single one, not one single one of these 75:11 orders that added up to two million hydrocodones in 75:12 11 days, not one single one of them was reported to 75:13 the DEA; isn't that the fact?	DW03_Donald Walker Plaintiffs' Submission.76
75:16 - 75:16	Walker, Donald 01-10-2019 (00:00:00)	DW03_Donald Walker Plaintiffs' Submission.77
75:18 - 75:19	75:16 Q. That's the fact? Walker, Donald 01-10-2019 (00:00:03) 75:18 THE WITNESS: I have no knowledge of that 75:19 either way.	DW03_Donald Walker Plaintiffs' Submission.78
75:20 - 76:1	Walker, Donald 01-10-2019 (00:00:19) 75:20 BY MR. KENNEDY: 75:21 Q. Sir, you sat through the meetings, 75:22 the negotiations, the pleadings, and all of the legal 75:23 proceedings with respect to this event; did you not? 75:24 A. No, that's not accurate. I did not 75:25 sit through all the meetings and negotiations that 76:1 took place between counsels.	DW03_Donald Walker Plaintiffs' Submission.79
76:2 - 76:7	Walker, Donald 01-10-2019 (00:00:14) 76:2 Q. Did you sign the agreement with the 76:3 DEA in relation to these violations, these sales of 76:4 hydrocodones? Did you sign the very settlement 76:5 agreement; sir? 76:6 A. I signed the 2008 memorandum	DW03_Donald Walker Plaintiffs' Submission.80

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76:8 - 76:16	76:7 agreement, yes. Walker, Donald 01-10-2019 (00:00:28) 76:8 Q. Let me back up, because I just -- I 76:9 just want to be clear about it. 76:10 Is it your position, sir -- not in general 76:11 terms but with respect to the specifics, is it your 76:12 position that the sale of two million hydrocodones in 76:13 11 days to six pharmacies comported with, was 76:14 consistent with, McKesson's responsibility to comply 76:15 with the Code of Federal Regulations in the handling 76:16 and distribution of controlled substances?	DW03_Donald Walker Plaintiffs' Submission.01
76:19 - 76:25	Walker, Donald 01-10-2019 (00:00:19) 76:19 Q. If you can answer that specific 76:20 question. 76:21 A. We specifically complied with the 76:22 regulations as associated with the reporting of 76:23 suspicious orders and guarding against diversion 76:24 through the security and controls that we put in 76:25 place to handle controlled substances.	DW03_Donald Walker Plaintiffs' Submission.02
77:25 - 78:19	Walker, Donald 01-10-2019 (00:00:43) 77:25 You were at this meeting; were you not? 78:1 A. I was at that meeting. 78:2 Q. The memo says, with regard to that 78:3 meeting: 78:4 (Reading) Mr. Rannazzisi -- he's of 78:5 the DEA -- then addressed the 78:6 representatives of McKesson and 78:7 informed them that it was his 78:8 concerted opinion that based upon the 78:9 information presented, the DEA needed 78:10 to ask for the surrender of McKesson's 78:11 Lakeland Distribution Senator -- 78:12 Center registration or the DEA would 78:13 pursue an Order to Show Cause against 78:14 the DEA registrant of the McKesson 78:15 facility in Lakeland, Florida (end of 78:16 reading). 78:17 Is that what you were told at that meeting, 78:18 that they wanted McKesson's registration? Is that 78:19 what you were told?	DW03_Donald Walker Plaintiffs' Submission.03

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78:21 - 79:10	Walker, Donald 01-10-2019 (00:00:36) 78:21 THE WITNESS: I recall Mr. Rannazzisi in 78:22 that meeting requesting that we surrender our 78:23 Lakeland, Florida, registration. 78:24 BY MR. KENNEDY: 78:25 Q. And that means you're not going to be 79:1 able to sell narcotics to pharmacies: Right? If you 79:2 have got to give your registration back, that's what 79:3 that means? 79:4 A. If a registration is suspended or 79:5 revoked, then you're unable to sell controlled 79:6 substances. 79:7 Q. So when you say selling two million 79:8 pills in 11 days is okay, that you're fulfilling your 79:9 responsibility under the regulations, the DEA didn't 79:10 agree with that; did they?	DW03_Donald Walker Plaintiffs' Submission.04
79:13 - 79:13	Walker, Donald 01-10-2019 (00:00:01)	DW03_Donald Walker Plaintiffs' Submission.05
79:15 - 79:16	79:13 Q. They want your registration? Walker, Donald 01-10-2019 (00:00:05) 79:15 THE WITNESS: The DEA requested we surrender 79:16 our registration during that meeting.	DW03_Donald Walker Plaintiffs' Submission.06
79:17 - 79:19	Walker, Donald 01-10-2019 (00:00:02) 79:17 BY MR. KENNEDY: 79:18 Q. And you ended up surrendering your 79:19 registration; didn't you?	DW03_Donald Walker Plaintiffs' Submission.07
79:21 - 79:24	Walker, Donald 01-10-2019 (00:00:13) 79:21 THE WITNESS: Counsel, that's not correct. 79:22 We had a limited suspension of certain controlled 79:23 substances from certain distribution centers, is the 79:24 result of the agreement with DEA.	DW03_Donald Walker Plaintiffs' Submission.08
80:2 - 80:22	Walker, Donald 01-10-2019 (00:00:44) 80:2 Q. We will look at that specifically. 80:3 Let's go down to -- after some bullet points, I want 80:4 to go down to the paragraph that starts with 80:5 "Through." 80:6 Do you see this paragraph that starts with 80:7 "Through"? 80:8 (Reading) Through the course of the 80:9 above discussion, McKesson Corp., by 80:10 their own admission, was unable to	DW03_Donald Walker Plaintiffs' Submission.09

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	80:11 provide a plausible explanation for 80:12 the sales of over two million dosage 80:13 units of hydrocodone, in a 21-day 80:14 period, to pharmacies previously 80:15 identified by DEA to McKesson Corp. 80:16 (end of reading). 80:17 Do you see that? 80:18 A. I see what's written there, yes. 80:19 Q. Do you remember that, that all these 80:20 folks at McKesson are sitting there with your 80:21 lawyers, and you can't explain how you did this? Do 80:22 you remember that?	
80:24 - 81:1	Walker, Donald 01-10-2019 (00:00:05)	DW03_Donald Walker Plaintiffs' Submission.50
	80:24 THE WITNESS: I don't recall any specific 80:25 discussion with the DEA around that. So the answer 81:1 is --	
81:2 - 81:6	Walker, Donald 01-10-2019 (00:00:02)	DW03_Donald Walker Plaintiffs' Submission.51
	81:2 BY MR. KENNEDY: 81:3 Q. Do you remember -- do you remember 81:4 saying -- 81:5 MS. HENN: Counsel, can you make sure to let 81:6 him finish.	
81:8 - 81:20	Walker, Donald 01-10-2019 (00:00:33)	DW03_Donald Walker Plaintiffs' Submission.52
	81:8 Q. Do you remember you folks at McKesson 81:9 telling the DEA at this meeting, there's nothing 81:10 wrong with two million pills in 11 days; we fulfilled 81:11 our responsibility under the regulations? Do you 81:12 remember saying that to them at this meeting? 81:13 A. No, I don't remember saying anything 81:14 like that. 81:15 Q. You said earlier you weren't sure 81:16 whether these numbers, this two million, they were 81:17 accurate. Any indication on here that you looked at 81:18 the DEA at that meeting and said that two million, 81:19 that two million hydrocodones isn't accurate? Any 81:20 indication of that, or do you have a memory of that?	
81:22 - 82:19	Walker, Donald 01-10-2019 (00:00:57)	DW03_Donald Walker Plaintiffs' Submission.53
	81:22 THE WITNESS: I don't have a recollection of 81:23 that one way or the other. 81:24 BY MR. KENNEDY:	

DW03_Donald Walker Plaintiffs' Submission

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	<p>81:25 Q. Let's look at the last paragraph on 82:1 that page. It states that: 82:2 (Reading) After the conclusion of this 82:3 meeting, it was learned from Gary 82:4 Hilliard of McKesson that one of the 82:5 reasons they were not able to realize 82:6 the full volume of hydrocodone product 82:7 going out to Florida pharmacies was 82:8 that their reports only included the 82:9 name brand hydrocodone products 82:10 distributed and was -- next page -- 82:11 and was leaving out the generic 82:12 products. It was only after realizing 82:13 that the generic were not being 82:14 reported was McKesson Corp. then able 82:15 to see the large quantities that DEA 82:16 was bringing to McKesson's attention 82:17 (end of reading).</p> <p>82:18 Did I read that right?</p> <p>82:19 A. Yes.</p>	
82:20 - 82:25	Walker, Donald 01-10-2019 (00:00:27)	DW03_Donald Walker Plaintiffs' Submission.00
	<p>82:20 Q. It doesn't say here that you went 82:21 back and looked and the DEA was wrong; does it?</p> <p>82:22 A. What is documented here is that 82:23 Mr. Mapes reportedly had a conversation with Gary 82:24 Hilliard. I'm not directly familiar with that 82:25 conversation.</p>	
83:1 - 83:20	Walker, Donald 01-10-2019 (00:01:12)	DW03_Donald Walker Plaintiffs' Submission.01
	<p>83:1 Q. This is 2006, and McKesson discovers 83:2 at this point that its reports did not include the 83:3 sales of generic hydrocodones; isn't that what it 83:4 indicates?</p> <p>83:5 A. That's what's documented here.</p> <p>83:6 Q. And tell the jury what generic 83:7 hydrocodones are.</p> <p>83:8 A. In all pharmaceuticals or medicines, 83:9 as a brand drug comes to market, it stays brand for a 83:10 period of time, at which time a generic drug can be 83:11 manufactured that has the same pharmacological 83:12 characteristics as the brand medication. So it's</p>	

DW03_Donald Walker Plaintiffs' Submission

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	83:13 very common in pharmaceutical industry for generics. 83:14 Amoxicillin is probably the best example that 83:15 everybody would know. 83:16 Q. And, sir, the majority of 83:17 hydrocodones that McKesson was selling were generic; 83:18 were they not? 83:19 A. I do not know what quantities were 83:20 brand versus generic at that point in time.	DW03_Donald Walker Plaintiffs' Submission.36
83:21 - 83:24	Walker, Donald 01-10-2019 (00:00:08) 83:21 Q. In a general sense, that has always 83:22 been true at McKesson? You sell more generics than 83:23 you do brand name controlled substances; hasn't that 83:24 always be true?	DW03_Donald Walker Plaintiffs' Submission.37
84:1 - 84:2	Walker, Donald 01-10-2019 (00:00:02) 84:1 THE WITNESS: Again, I don't have any 84:2 specific knowledge one way or the other.	DW03_Donald Walker Plaintiffs' Submission.37
84:4 - 84:7	Walker, Donald 01-10-2019 (00:00:12) 84:4 Q. Let me ask you this. If you weren't 84:5 tracking generic drugs with your reporting and your 84:6 tracking, if you weren't tracking hydrocodone, can we 84:7 agree you weren't tracking oxycodone either; true?	DW03_Donald Walker Plaintiffs' Submission.38
84:10 - 84:10	Walker, Donald 01-10-2019 (00:00:00) 84:10 Q. Is that what you discovered?	DW03_Donald Walker Plaintiffs' Submission.39
84:12 - 84:13	Walker, Donald 01-10-2019 (00:00:03) 84:12 THE WITNESS: There -- I had no indication 84:13 that we weren't tracking oxycodone.	DW03_Donald Walker Plaintiffs' Submission.39
84:14 - 84:19	Walker, Donald 01-10-2019 (00:00:09) 84:14 BY MR. KENNEDY: 84:15 Q. Are you -- are you representing to 84:16 the jury that you had one system of tracking for 84:17 hydrocodones and a totally different system of 84:18 tracking for oxycodones? Is that what you're telling 84:19 us, sir?	DW03_Donald Walker Plaintiffs' Submission.40
84:21 - 85:6	Walker, Donald 01-10-2019 (00:00:30) 84:21 THE WITNESS: No, that's not accurate. Our 84:22 overall system was one and the same. The inputs into 84:23 that system could have potentially created a void in 84:24 the reporting of hydrocodone and had nothing to do 84:25 with oxycodone. 85:1 BY MR. KENNEDY:	DW03_Donald Walker Plaintiffs' Submission.42

DW03_Donald Walker Plaintiffs' Submission

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85:2 - 85:15	<p>85:2 Q. Is that what was happening, sir? You 85:3 were in the middle of this. Is that what was 85:4 happening, your system wasn't tracking generic 85:5 hydrocodones but, indeed, was tracking generic 85:6 oxycodones? Is that what was happening?</p> <p>Walker, Donald 01-10-2019 (00:00:18)</p>	DW03_Donald Walker Plaintiffs' Submission.193
	<p>85:8 THE WITNESS: I don't recall specifically. 85:9 I do recall we had an issue with our system at the 85:10 time. But I don't recall the specifics of that.</p> <p>85:11 BY MR. KENNEDY:</p> <p>85:12 Q. Sir, if your system was not tracking 85:13 hydrocodones, generic hydrocodones in '05, then it 85:14 wasn't tracking them in '04 or '03 or '02 or '01; 85:15 true?</p>	
85:18 - 85:18	<p>Walker, Donald 01-10-2019 (00:00:01)</p>	DW03_Donald Walker Plaintiffs' Submission.194
85:18 - 86:3	<p>85:18 Q. It never had been?</p> <p>Walker, Donald 01-10-2019 (00:00:20)</p> <p>85:20 THE WITNESS: I can't speculate on if this 85:21 was taking place, when it started, and to the extent 85:22 that it took place.</p> <p>85:23 BY MR. KENNEDY:</p> <p>85:24 Q. Sir, you were in charge at that 85:25 point. Didn't you say to Mr. Hilliard and the folks 86:1 working for you, how long has this been going on, 86:2 that we haven't been tracking generic hydrocodones?</p> <p>86:3 Did you ask?</p>	DW03_Donald Walker Plaintiffs' Submission.195
86:5 - 86:16	<p>Walker, Donald 01-10-2019 (00:00:48)</p> <p>86:5 THE WITNESS: I don't recall having any 86:6 specific request or discussions around this.</p> <p>86:7 BY MR. KENNEDY:</p> <p>86:8 Q. Sir, McKesson had the duty since 1970 86:9 to identify and report suspicious orders of 86:10 controlled substances; did they not?</p> <p>86:11 A. I don't know specifically when the 86:12 CFR was generated. It was in the early '70s. But in 86:13 the time that I was there, we had the responsibility.</p> <p>86:14 Q. And that included generic 86:15 hydrocodones, did it not, that duty, that 86:16 responsibility?</p> <p>Walker, Donald 01-10-2019 (00:00:10)</p>	DW03_Donald Walker Plaintiffs' Submission.196
86:19 - 86:21		DW03_Donald Walker Plaintiffs' Submission.197

DW03_Donald Walker Plaintiffs' Submission

Page/Line	Source	ID
87:15 - 87:16	86:19 THE WITNESS: We were responsible to report 86:20 the sales of all pharmaceutical or controlled 86:21 substances that were reportable to the DEA. Walker, Donald 01-10-2019 (00:00:06)	DW03_Donald Walker Plaintiffs' Submission.108
88:4 - 88:14	87:15 Q. Including generic hydrocodone; true? 87:16 A. Including generic hydrocodone, yes. Walker, Donald 01-10-2019 (00:00:28) 88:4 Q. Branded versus generic aren't 88:5 different chemically? 88:6 A. Generally, my understanding is that 88:7 they were very close, if not identical, in terms of 88:8 chemical makeup. But, again, I don't have the level 88:9 of expertise to testify absolutely that they were the 88:10 same. 88:11 Q. Generic hydrocodone, sir, your 88:12 understanding generic hydrocodone was just as likely 88:13 to cause an overdose and death as a named brand 88:14 hydrocodone; true?	DW03_Donald Walker Plaintiffs' Submission.109
88:16 - 88:18	Walker, Donald 01-10-2019 (00:00:10) 88:16 THE WITNESS: My understanding is that 88:17 generic hydrocodone, as it's designed for medical 88:18 purposes, it was the same as brand hydrocodone.	DW03_Donald Walker Plaintiffs' Submission.110
88:19 - 89:3	Walker, Donald 01-10-2019 (00:00:37) 88:19 BY MR. KENNEDY: 88:20 Q. Sir, at this point in time, with 88:21 respect to McKesson's coming to understand in 2006 88:22 that they weren't tracking generic hydrocodones, 88:23 would that have been true nationwide? You didn't 88:24 have a different system before; did you? That would 88:25 have been true nationwide? 89:1 A. Our system was a national system. 89:2 So, yes, anything that occurred in Florida would have 89:3 been consistent across the country.	DW03_Donald Walker Plaintiffs' Submission.111
89:7 - 89:13	Walker, Donald 01-10-2019 (00:00:22) 89:7 Q. West Virginia? 89:8 A. Again, we service all 50 states. 89:9 Q. And you don't know how long this had 89:10 been going on? Is that your testimony today, you 89:11 don't know how long it was prior to '06, prior to 89:12 '05, that McKesson was not tracking its sales and	DW03_Donald Walker Plaintiffs' Submission.112

DW03_Donald Walker Plaintiffs' Submission

Page/Line	Source	ID
89:16 - 89:18	89:13 distribution of generic hydrocodone; is that true? Walker, Donald 01-10-2019 (00:00:10)	DW03_Donald Walker Plaintiffs' Submission.113
98:14 - 98:24	89:16 THE WITNESS: I do not know the time frame, 89:17 whether it was a point in time or occurred over a 89:18 period of time. So the answer is, I do not know. Walker, Donald 01-10-2019 (00:00:50)	DW03_Donald Walker Plaintiffs' Submission.114
99:2 - 99:5	98:14 Q. Sir, we've -- we have been talking 98:15 about -- we've been talking about McKesson's sale of 98:16 two million hydrocodones in an 11-day period in 98:17 October of 2005. Do you remember all those questions 98:18 we had been going through? 98:19 A. Yes, I remember the questions. 98:20 Q. Isn't it a fact -- isn't it a fact 98:21 that in addition to the two million dosages in 98:22 October of '05, McKesson did not stop there; they 98:23 continued to sell massive amounts of hydrocodones 98:24 even after October of '05? Isn't that true? Walker, Donald 01-10-2019 (00:00:09)	DW03_Donald Walker Plaintiffs' Submission.115
99:6 - 99:9	99:2 Q. Do you remember that -- 99:3 A. I don't -- I don't know what specific 99:4 quantities of hydrocodone we sold, you know, after 99:5 that period of time. Walker, Donald 01-10-2019 (00:00:13)	DW03_Donald Walker Plaintiffs' Submission.116
99:9 - 99:9	99:6 (Exhibit No. 693 was marked.) 99:7 BY MR. KENNEDY: 99:8 Q. Showing you what has been marked as 99:9 Exhibit 693. 693, all right, Walker, Donald 01-10-2019 (00:00:14)	DW03_Donald Walker Plaintiffs' Submission.117
99:10 - 100:5	99:9 which is No. -497154. Walker, Donald 01-10-2019 (00:01:03)	DW03_Donald Walker Plaintiffs' Submission.118
	99:10 Go to the second page, if you would. And I 99:11 believe this is a document prepared by the DEA and 99:12 provided to us by McKesson. 99:13 Do you see the chart on page -155? Do you 99:14 see that? 99:15 A. Yes. 99:16 Q. Now, this is McKesson hydrocodone 99:17 sales and distributions from October 1, now, to 99:18 January 31, a four-month period. We've been talking 99:19 about just 11 days in October.	

DW03_Donald Walker Plaintiffs' Submission

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	99:20 This is a four-month period; do you see 99:21 that? 99:22 A. Yes. 99:23 Q. This is in Florida, just Florida; 99:24 all right? 99:25 Look at Accumed. This four-month period, 100:1 1,110,000. 1,110,900, in a four-month period. Do 100:2 you see that? 100:3 A. I see that. 100:4 Q. Do you understand that's 31 times the 100:5 Florida average?	DW03_Donald Walker Plaintiffs' Submission.113
100:12 - 100:13	Walker, Donald 01-10-2019 (00:00:03)	DW03_Donald Walker Plaintiffs' Submission.113
	100:12 Q. Do you see that? Do you agree with 100:13 that?	DW03_Donald Walker Plaintiffs' Submission.113
100:15 - 100:21	Walker, Donald 01-10-2019 (00:00:17)	DW03_Donald Walker Plaintiffs' Submission.120
	100:15 THE WITNESS: I wouldn't agree with that or 100:16 disagree. I don't understand the source of the 100:17 numbers because it's not our information, that I'm 100:18 aware of, and I haven't seen this document before. 100:19 BY MR. KENNEDY: 100:20 Q. This is the DEA's -- these are the 100:21 DEA numbers.	DW03_Donald Walker Plaintiffs' Submission.120
100:24 - 101:8	Walker, Donald 01-10-2019 (00:00:30)	DW03_Donald Walker Plaintiffs' Submission.121
	100:24 Q. I will ask you to assume that these 100:25 are the DEA numbers, and you provided -- McKesson 101:1 provided to us this document that the DEA created. 101:2 All right? You can assume that to be true. 101:3 And at least according to the DEA, over the 101:4 four-month period -- after that October event of 101:5 two million, in this four-month period you sold 101:6 Accumed 1,110,900. Do you have anything in your -- 101:7 in your memory or documentation that would dispute 101:8 that number? Let me ask you that.	DW03_Donald Walker Plaintiffs' Submission.121
101:11 - 101:18	Walker, Donald 01-10-2019 (00:00:27)	DW03_Donald Walker Plaintiffs' Submission.122
	101:11 THE WITNESS: I don't have any recollection 101:12 of this document or the numbers, and certainly 101:13 haven't conducted my own review or analysis. So I 101:14 can't support it or deny it. 101:15 BY MR. KENNEDY: 101:16 Q. During a four-month period, Avee	DW03_Donald Walker Plaintiffs' Submission.122

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101:20 - 102:1	101:17 Pharmacy, you sold them 1,754,800. Do you have 101:18 anything to dispute the DEA's number there? Walker, Donald 01-10-2019 (00:00:11) 101:20 THE WITNESS: Same response, Counsel. I 101:21 don't -- I don't have any knowledge one way or the 101:22 other. 101:23 BY MR. KENNEDY: 101:24 Q. You do know that the DEA gets its 101:25 numbers from ARCOS; correct? The ARCOS database, 102:1 that's where the DEA gets its number; true?	DW03_Donald Walker Plaintiffs' Submission.123
102:3 - 102:6	Walker, Donald 01-10-2019 (00:00:06) 102:3 THE WITNESS: I know that ARCOS is one of 102:4 the sources of DEA's data. But I don't know that 102:5 it's exclusive. 102:6 BY MR. KENNEDY:	DW03_Donald Walker Plaintiffs' Submission.124
102:7 - 102:13	Walker, Donald 01-10-2019 (00:00:15) 102:7 Q. And tell the jury who provides the 102:8 DEA with the ARCOS data on your sales. Who provides 102:9 that to them? 102:10 A. We submit on a monthly basis, as 102:11 required by the regulation, the ARCOS data on the 102:12 sales of controlled substances that are required to 102:13 be reported.	DW03_Donald Walker Plaintiffs' Submission.125
102:14 - 102:20	Walker, Donald 01-10-2019 (00:00:17) 102:14 Q. McKesson gives them the numbers on 102:15 what you're selling them; right? 102:16 A. We provide the ARCOS data to DEA. 102:17 Q. Bi-Wise, you sold them 384,100 in a 102:18 four-month period; right? And that's about 11 times 102:19 the Florida average. Do you have anything to 102:20 disagree with those numbers?	DW03_Donald Walker Plaintiffs' Submission.126
102:23 - 103:5	Walker, Donald 01-10-2019 (00:00:28) 102:23 THE WITNESS: Again, without understanding 102:24 the source, the background of the numbers, I can't 102:25 support or deny either way. 103:1 BY MR. KENNEDY: 103:2 Q. Medipharm, 1.2 million. Trelles, 103:3 324,000. United Prescription, 641,000. Universal 103:4 Prescriptions, 883,000. Any way to disagree with 103:5 these numbers, sir?	DW03_Donald Walker Plaintiffs' Submission.127

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103:9 - 103:17	Walker, Donald 01-10-2019 (00:00:27) 103:9 Q. Any way? 103:10 A. I can neither support or refute the 103:11 numbers, Counsel, because I don't understand 103:12 specifically the source. 103:13 Q. Do you recall ever saying to the DEA 103:14 your numbers, based upon ARCOS, that we provided you, 103:15 are wrong? Do you remember that, during the course 103:16 of events after -- after this date, do you remember 103:17 telling the DEA your numbers are wrong?	DW03_Donald Walker Plaintiffs' Submission.128
103:21 - 103:21	Walker, Donald 01-10-2019 (00:00:01) 103:21 Q. Do you remember that, ever?	DW03_Donald Walker Plaintiffs' Submission.129
103:23 - 104:1	Walker, Donald 01-10-2019 (00:00:08) 103:23 THE WITNESS: No, I don't recall ever having 103:24 a conversation with DEA around their numbers or any 103:25 of the data that they shared with us. 104:1 BY MR. KENNEDY:	DW03_Donald Walker Plaintiffs' Submission.130
104:2 - 104:7	Walker, Donald 01-10-2019 (00:00:23) 104:2 Q. Sir, based on this table, McKesson -- 104:3 McKesson sold seven million hydrocodone pills to 104:4 seven pharmacies in four months. Do you consider 104:5 that to be consistent with the responsibility that 104:6 you've told us about? Is that consistent with 104:7 McKesson's responsibility?	DW03_Donald Walker Plaintiffs' Submission.131
104:9 - 104:12	Walker, Donald 01-10-2019 (00:00:12) 104:9 THE WITNESS: We sold to licensed 104:10 pharmacies. I am aware we wouldn't be able to 104:11 provide any controlled substances to a pharmacy that 104:12 wasn't registered by the DEA.	DW03_Donald Walker Plaintiffs' Submission.132
104:13 - 104:22	Walker, Donald 01-10-2019 (00:00:28) 104:13 BY MR. KENNEDY: 104:14 Q. Let me ask you this. You keep -- you 104:15 keep repeating that over and over, "We sold to 104:16 licensed pharmacies." 104:17 Sir, could we agree that the responsibility 104:18 of McKesson went far beyond just making sure that you 104:19 were selling to a licensed pharmacy? 104:20 A. Our responsibility included 104:21 monitoring, reporting suspicious orders to the DEA, 104:22 and guarding against diversion.	DW03_Donald Walker Plaintiffs' Submission.133

DW03_Donald Walker Plaintiffs' Submission

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104:23 - 104:25	Walker, Donald 01-10-2019 (00:00:08) 104:23 Q. And that was a responsibility that 104:24 was far beyond just making sure that you were selling 104:25 to a pharmacy with a license; is that true?	DW03_Donald Walker Plaintiffs' Submission.134
105:2 - 105:5	Walker, Donald 01-10-2019 (00:00:07) 105:2 THE WITNESS: I wouldn't say that that's 105:3 accurate. I think our responsibility was very 105:4 specifically spelled out in the regulations, and we 105:5 adhered to those.	DW03_Donald Walker Plaintiffs' Submission.135
105:6 - 105:8	Walker, Donald 01-10-2019 (00:00:06) 105:6 BY MR. KENNEDY: 105:7 Q. And that included, number one,	DW03_Donald Walker Plaintiffs' Submission.136
105:10 - 105:16	105:8 identifying orders of unusual size; correct? Walker, Donald 01-10-2019 (00:00:14) 105:10 THE WITNESS: In the suspicious order 105:11 regulation, unusual size is called out. 105:12 BY MR. KENNEDY: 105:13 Q. Right. And what we're looking at is 105:14 seven million units of hydrocodone in four months. 105:15 And you had the responsibility to identify orders of 105:16 unusual size; did you not?	DW03_Donald Walker Plaintiffs' Submission.137
105:19 - 106:4	Walker, Donald 01-10-2019 (00:00:29) 105:19 Q. Is that true? 105:20 A. We -- our suspicious order reporting 105:21 needed to provide and identify orders of size, 105:22 quantity, and frequency. 105:23 Q. Absolutely. And that's more than 105:24 just making sure you're selling to a pharmacy that's 105:25 got a license; right? Correct? 106:1 A. And report to the DEA. 106:2 Q. Right. And you know not one single 106:3 one of these orders of this seven million was ever 106:4 reported to the DEA, not one. Do you remember that?	DW03_Donald Walker Plaintiffs' Submission.138
106:7 - 106:7	Walker, Donald 01-10-2019 (00:00:00) 106:7 Q. Do you remember that?	DW03_Donald Walker Plaintiffs' Submission.139
106:9 - 106:15	Walker, Donald 01-10-2019 (00:00:12) 106:9 THE WITNESS: I don't know that to be 106:10 accurate either way. I don't have independent 106:11 knowledge of what we did or did not report during 106:12 that time frame regarding these pharmacies.	DW03_Donald Walker Plaintiffs' Submission.140

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	106:13 BY MR. KENNEDY: 106:14 Q. You don't remember that that is the 106:15 reason that you got fined \$13 million? Walker, Donald 01-10-2019 (00:00:11)	DW03_Donald Walker Plaintiffs' Submission.141
106:19 - 106:23	106:19 Q. You don't remember? 106:20 A. I don't remember or have any 106:21 independent knowledge of whether or not any of these 106:22 pharmacies ever reported to DEA during that time 106:23 frame.	
109:6 - 109:10	Walker, Donald 01-10-2019 (00:00:15) 109:6 Q. And you've told us that you believe, 109:7 as the boss of all of regulatory, that this was 109:8 consistent with your responsibility to carry out the 109:9 law, to regulate, and guard against diversion; is 109:10 that your position?	DW03_Donald Walker Plaintiffs' Submission.142
109:12 - 109:15	Walker, Donald 01-10-2019 (00:00:10) 109:12 THE WITNESS: As responsible for Regulatory, 109:13 I feel very confident that we were executing our 109:14 regulatory responsibilities as required under the 109:15 CFR.	DW03_Donald Walker Plaintiffs' Submission.143
110:2 - 110:5	Walker, Donald 01-10-2019 (00:00:14) 110:2 Q. Sir, isn't that the problem, the very 110:3 fact that you, the boss of Regulatory, think that 110:4 this conduct is okay? Isn't that the problem with 110:5 McKesson back in '05 and thereafter?	DW03_Donald Walker Plaintiffs' Submission.144
110:7 - 110:11	Walker, Donald 01-10-2019 (00:00:11) 110:7 THE WITNESS: Counsel, we were very focused 110:8 on our regulatory responsibilities, and we carried 110:9 out those responsibilities in the very best way that 110:10 we understood them in compliance with the 110:11 regulations.	DW03_Donald Walker Plaintiffs' Submission.145
110:12 - 110:21	Walker, Donald 01-10-2019 (00:00:27) 110:12 BY MR. KENNEDY: 110:13 Q. Sir, my question is very specific. 110:14 I'm talking about what we have been talking about for 110:15 the last hour. Isn't the fact that you, the head of 110:16 Regulatory, believes that it was okay for McKesson to 110:17 sell seven million pills to seven pharmacies in a 110:18 four-month period -- isn't the fact that you, the 110:19 head of pharmacy, thinks that that is okay, isn't	DW03_Donald Walker Plaintiffs' Submission.146

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	110:20 that the problem, the underlying problem that 110:21 McKesson had?	DW03_Donald Walker Plaintiffs' Submission.147
110:24 - 111:5	Walker, Donald 01-10-2019 (00:00:18) 110:24 THE WITNESS: Counsel, my testimony is that 110:25 I, as the leader of our Regulatory and senior member 111:1 of our company, believe that we were completing our 111:2 regulatory obligations in the very best way that we 111:3 understood them, and adherence to the regulation as 111:4 we understood it and had been operating for many 111:5 years.	
111:7 - 111:9	Walker, Donald 01-10-2019 (00:00:07) 111:7 Q. And my question to you is very 111:8 specific. Isn't that the problem that you, a senior 111:9 executive, thought that this was okay?	DW03_Donald Walker Plaintiffs' Submission.148
111:12 - 111:20	Walker, Donald 01-10-2019 (00:00:18) 111:12 THE WITNESS: I can't answer that question, 111:13 Counsel. I believe very strongly in my prior 111:14 testimony. 111:15 BY MR. KENNEDY: 111:16 Q. And, again, even more, isn't that the 111:17 problem, that you, the executive, the head of 111:18 Regulatory, feel very strongly that seven million 111:19 pills in four months is okay? Isn't that McKesson's 111:20 problem?	DW03_Donald Walker Plaintiffs' Submission.149
111:24 - 112:6	Walker, Donald 01-10-2019 (00:00:21) 111:24 THE WITNESS: Counsel, I -- again, I will 111:25 stand by my testimony. 112:1 BY MR. KENNEDY: 112:2 Q. Sir, what we're looking at here, this 112:3 massive -- this seven million pills in a four-month 112:4 period in Florida, it wasn't just happening in 112:5 Florida, was it? It was happening across the 112:6 country; was it not?	DW03_Donald Walker Plaintiffs' Submission.150
112:8 - 112:15	Walker, Donald 01-10-2019 (00:00:17) 112:8 THE WITNESS: I don't recall any -- any 112:9 specific issues and don't have knowledge of what was 112:10 occurring in the balance of the country. 112:11 (Exhibit No. 802 was marked.) 112:12 MR. KENNEDY: Well, sir, let's -- let me 112:13 show you Exhibit 686.	DW03_Donald Walker Plaintiffs' Submission.151

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	112:14 (Exhibit No. 686 was marked.)	
	112:15 BY MR. KENNEDY:	
112:16 - 112:16	Walker, Donald 01-10-2019 (00:00:03)	DW03_Donald Walker Plaintiffs' Submission.152
112:17 - 113:17	112:16 Q. 686 does not have Bates numbers. Walker, Donald 01-10-2019 (00:00:59)	DW03_Donald Walker Plaintiffs' Submission.153
	112:17 Sir, you indicate you don't have any knowledge of	
	112:18 McKesson -- McKesson sending massive amounts around	
	112:19 the country of hydrocodone -- excuse me,	
	112:20 hydrocodones. This is a Settlement Agreement. Look	
	112:21 at that first sentence.	
	112:22 (Reading) This is a Settlement	
	112:23 Agreement entered into on April 30th,	
	112:24 2008, between the United States	
	112:25 Department of Justice, through the	
	113:1 United States Attorney's Office, for	
	113:2 the Districts of Maryland, Middle	
	113:3 Florida, Southern Texas, Colorado,	
	113:4 Utah, and Eastern California (end of	
	113:5 reading).	
	113:6 Do you see that?	
	113:7 A. I see that.	
	113:8 Q. And the Settlement Agreement is with	
	113:9 McKesson Corporation; true?	
	113:10 A. Yes.	
	113:11 Q. You signed this document; did you	
	113:12 not?	
	113:13 A. Yes, I did.	
	113:14 Q. And that's why I'm asking, why is it	
	113:15 that you didn't have any knowledge that this was	
	113:16 going on across the country? You signed this	
	113:17 document; didn't you?	
113:19 - 113:20	Walker, Donald 01-10-2019 (00:00:04)	DW03_Donald Walker Plaintiffs' Submission.154
	113:19 THE WITNESS: I signed this document,	
	113:20 Counsel.	
122:14 - 122:15	Walker, Donald 01-10-2019 (00:00:11)	DW03_Donald Walker Plaintiffs' Submission.155
	122:14 MR. KENNEDY: 687 Exhibit starts with Bates	
	122:15 -00574724 and ends with -4744.	
122:16 - 123:18	Walker, Donald 01-10-2019 (00:01:21)	DW03_Donald Walker Plaintiffs' Submission.156
	122:16 Q. Mr. Walker, have you seen this	
	122:17 document before?	

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	122:18 A. Yes, I have.	
	122:19 Q. And this would relate to a meeting of	
	122:20 "Directors of Regulatory"? Is that what it says?	
	122:21 A. Yes.	
	122:22 Q. This would have been in Dallas, March	
	122:23 5-6, 2008; true?	
	122:24 A. Yes.	
	122:25 Q. Do you remember who was present at	
	123:1 this meeting?	
	123:2 A. I don't remember specifically all the	
	123:3 participants. I know that our newly-hired Director	
	123:4 of Regulatory Affairs and my Regulatory staff was	
	123:5 there. But I don't know who else might have been	
	123:6 there.	
	123:7 Q. And the purpose of the meeting was	
	123:8 what?	
	123:9 A. As I recall, the purpose of the	
	123:10 meeting was to review with the Regulatory staff and	
	123:11 then expanded the overview of the Memorandum of	
	123:12 Agreement that we were moving forward with. We	
	123:13 hadn't signed it yet, but we were very close. So we	
	123:14 had the components.	
	123:15 Q. That was the Memorandum of Agreement	
	123:16 that we just talked about with the DEA, with the	
	123:17 Department of Justice?	
	123:18 A. Yes, the same memorandum.	
124:13 - 124:25	Walker, Donald 01-10-2019 (00:00:41)	DW03_Donald Walker Plaintiffs' Submission.157
	124:13 Q. What committees did you sit on? I	
	124:14 know that -- we know your title. But were you a part	
	124:15 of any management committees at McKesson? And I'm	
	124:16 talking about the '08 period.	
	124:17 A. Yes. So in that time frame in my	
	124:18 role, I was part of the -- I will use your term --	
	124:19 management committee that oversaw -- oversaw the	
	124:20 pharmaceutical business.	
	124:21 Q. Okay. So the management committee	
	124:22 that oversaw the pharmaceutical business. And a	
	124:23 significant part of McKesson's business was the	
	124:24 pharmaceutical business, I assume?	
	124:25 A. Yes.	

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125:23 - 127:7	Walker, Donald 01-10-2019 (00:01:45)	DW03_Donald Walker Plaintiffs' Submission 158
125:23	Q. All right. Let's -- let's go back to	
125:24	125:24 this meeting, then, that was -- that was held in 2008	
125:25	125:25 with the Directors of Regulatory.	
126:1	126:1 If you can go to page -- the Bates in the	
126:2	126:2 bottom of -4733. Did you run this meeting?	
126:3	126:3 A. Yes, I did.	
126:4	126:4 Q. Did you prepare these slide	
126:5	126:5 presentations?	
126:6	126:6 A. Looking at it, I don't specifically	
126:7	126:7 put in the slide presentation. But it was consistent	
126:8	126:8 with one that I would do.	
126:9	126:9 Q. All right. Well, let's look, then,	
126:10	126:10 at this page of the 2008 slide presentation. And	
126:11	126:11 this is talking about the 2008 Settlement Agreement	
126:12	126:12 that is reached with the Department of Justice and	
126:13	126:13 the DEA; correct?	
126:14	126:14 A. Correct.	
126:15	126:15 Q. And this is in relation to what we	
126:16	126:16 have been talking about for the last hour; true?	
126:17	126:17 A. Yes.	
126:18	126:18 Q. And does this slide presentation	
126:19	126:19 state that -- the first -- the first bullet, "Six	
126:20	126:20 different McKesson facilities involved"; right?	
126:21	126:21 A. Yes.	
126:22	126:22 Q. And we went over those six different	
126:23	126:23 facilities, I think. Florida, Maryland, Texas, Utah;	
126:24	126:24 correct? Those are the ones we went through?	
126:25	126:25 A. That's correct.	
127:1	127:1 Q. The next bullet says:	
127:2	127:2 (Reading) An estimated more than 4,600	
127:3	127:3 violations, potential fine to exceed	
127:4	127:4 \$46 million (end of reading).	
127:5	127:5 Is that accurate, 4,600 violations? This is	
127:6	127:6 in your PowerPoint or at least one presented at your	
127:7	127:7 meeting. Was that accurate?	
127:9 - 127:15	Walker, Donald 01-10-2019 (00:00:21)	DW03_Donald Walker Plaintiffs' Submission 159
127:9	127:9 THE WITNESS: I don't recall specifically	
127:10	127:10 whether it is accurate or -- I couldn't testify	
127:11	127:11 whether it was accurate.	

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	127:12 What I can say is that we -- I was pulling 127:13 information from the agreement draft, which were the 127:14 DEA's allegations, you know, that led up to the 127:15 agreement.	DW03_Donald Walker Plaintiffs' Submission.162
127:16 - 127:19	Walker, Donald 01-10-2019 (00:00:08) 127:16 BY MR. KENNEDY: 127:17 Q. Would you put this in a PowerPoint to 127:18 the Regulatory Department, the new members of the 127:19 Regulatory Department, if it wasn't accurate?	DW03_Donald Walker Plaintiffs' Submission.162
127:22 - 128:2	Walker, Donald 01-10-2019 (00:00:22) 127:22 Q. Would you do that? 127:23 A. Again, Counsel, my recollection, my 127:24 best recollection, is that this was based on 127:25 information that was contained in the -- in the draft 128:1 and potentially discussions with DEA or counsel 128:2 through DEA.	DW03_Donald Walker Plaintiffs' Submission.161
128:3 - 128:7	Walker, Donald 01-10-2019 (00:00:14) 128:3 Q. My question isn't whether it was part 128:4 of a draft, where it came from. My question is real 128:5 simple: Would you put here in this presentation 128:6 "4,600 estimated violations by McKesson" if it was 128:7 not true?	DW03_Donald Walker Plaintiffs' Submission.162
128:10 - 128:13	Walker, Donald 01-10-2019 (00:00:09) 128:10 THE WITNESS: Counsel, as I stated, what I 128:11 would have put in is an accurate representation of 128:12 DEA's allegations. 128:13 BY MR. KENNEDY:	DW03_Donald Walker Plaintiffs' Submission.162
130:23 - 131:11	Walker, Donald 01-10-2019 (00:00:37) 130:23 BY MR. KENNEDY: 130:24 Q. Sir, at this point in time, these 130:25 allegations, which are 2004, 2005, 2006, at that 131:1 point in time were the suspicious order monitoring 131:2 policies of McKesson national? 131:3 A. Yes. It was a single system. So the 131:4 answer is, yes. 131:5 Q. So the policies and the procedures 131:6 that led at least to what you considered to be the 131:7 allegations of these extraordinary sales, those 131:8 policies and procedures were the same in Maryland, 131:9 Ohio, West Virginia, Utah, Florida; would that be	DW03_Donald Walker Plaintiffs' Submission.164

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Page/Line	Source	ID
	131:10 true? 131:11 A. Yes.	
131:12 - 131:17	Walker, Donald 01-10-2019 (00:00:14) 131:12 Q. And as the person in charge, sitting 131:13 on the top of this, did you make every effort to make 131:14 sure that the implementation of the policies and 131:15 procedures relating to suspicious order monitoring, 131:16 that they were being implemented uniformly across the 131:17 country?	DW03_Donald Walker Plaintiffs' Submission.165
131:19 - 131:21	Walker, Donald 01-10-2019 (00:00:06) 131:19 THE WITNESS: Yes, we had a system in place 131:20 that was reporting regularly to DEA suspicious 131:21 orders.	DW03_Donald Walker Plaintiffs' Submission.166
131:23 - 132:8	Walker, Donald 01-10-2019 (00:00:30) 131:23 Q. So the answer would be, yes, you, as 131:24 the boss, made an effort to make sure that your 131:25 policies with respect to suspicious orders were being 132:1 implemented uniformly across the country; true? 132:2 A. Yes. 132:3 Q. You didn't want somebody doing 132:4 something different in California than they were 132:5 doing in Maryland; did you? 132:6 A. The system was one system. So the 132:7 uniform reporting and report generation was the same 132:8 across the country.	DW03_Donald Walker Plaintiffs' Submission.167
133:9 - 133:13	Walker, Donald 01-10-2019 (00:00:13) 133:9 Q. Okay. But from '08 forward, while 133:10 you were in charge, again, you would have meetings, 133:11 you would have memos, you would have calls in an 133:12 attempt to make sure that your policies were being 133:13 implemented uniformly across the country; true?	DW03_Donald Walker Plaintiffs' Submission.168
133:16 - 134:1	Walker, Donald 01-10-2019 (00:00:28) 133:16 THE WITNESS: So subsequent to the 2008 133:17 agreement with the regulatory team, we had regular 133:18 conference calls, regular discussions to ensure that 133:19 we were executing our regulatory responsibilities 133:20 uniformly across the country; so yes. 133:21 BY MR. KENNEDY: 133:22 Q. You don't want Mr. Oriente in the 133:23 East doing something different from Mr. McDonald in	DW03_Donald Walker Plaintiffs' Submission.169

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	133:24 the West, doing something different than Mr. Gustin 133:25 in the Midwest; true?	
	134:1 A. Generally that would be accurate.	
134:15 - 134:21	Walker, Donald 01-10-2019 (00:00:19) 134:15 I'm going to switch gears. I want to talk 134:16 about the 2008 CSMP, the Controlled Substances 134:17 Monitoring Program. You remember that program? 134:18 A. Yes. 134:19 Q. That was a program that McKesson 134:20 developed and put into place in 2008; is that true? 134:21 A. Yes, that is correct.	DW03_Donald Walker Plaintiffs' Submission.170
135:22 - 136:2	Walker, Donald 01-10-2019 (00:00:10) 135:22 Q. Let me -- let me show you 135:23 Exhibit 672. And if you keep this exhibit in front 135:24 of you even after this series of questions, because 135:25 we're going to refer back to this quite a bit, 136:1 all right? 136:2 A. That would be fine.	DW03_Donald Walker Plaintiffs' Submission.171
136:5 - 136:19	Walker, Donald 01-10-2019 (00:00:56) 136:5 Q. This is the McKesson's 2008 136:6 Controlled Substance Monitoring Program; is it not? 136:7 A. What this document is, is a -- the 136:8 Operations Manual entry and documentation of how to 136:9 execute against the Controlled Substance Monitoring 136:10 Program. That's probably the best way to describe 136:11 it. 136:12 Q. Was there any document that McKesson 136:13 has that is more comprehensive and detailed with 136:14 respect to your suspicious order monitoring system 136:15 than this document from the period of 2008 to, let's 136:16 say, 2014? Any document other than this that is more 136:17 comprehensive? 136:18 A. Probably this would be the most 136:19 comprehensive document.	DW03_Donald Walker Plaintiffs' Submission.172
137:14 - 137:19	Walker, Donald 01-10-2019 (00:00:13) 137:14 Q. And this program came into place, as 137:15 I said before, in 2008; did it not? 137:16 A. That is correct. 137:17 Q. And it was revised various times, as 137:18 we have seen, up through '13; correct?	DW03_Donald Walker Plaintiffs' Submission.173

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138:8 - 138:22	<p>137:19 A. Yes.</p> <p>Walker, Donald 01-10-2019 (00:00:36)</p> <p>138:8 Q. And we were talking about this</p> <p>138:9 threshold system. And do you see where it says,</p> <p>138:10 "Purpose"?</p> <p>138:11 A. Yes.</p> <p>138:12 Q. And the second bullet point down</p> <p>138:13 says, "Set and maintain customer's thresholds for all</p> <p>138:14 controlled substances"; is that right?</p> <p>138:15 A. That is correct.</p> <p>138:16 Q. And then it says, "Make informed</p> <p>138:17 decisions based upon established threshold</p> <p>138:18 information"; correct?</p> <p>138:19 A. Yes.</p> <p>138:20 Q. So the thresholds were an important</p> <p>138:21 part of this monitoring program; true?</p> <p>138:22 A. Yes.</p>	DW03_Donald Walker Plaintiffs' Submission.174
142:2 - 142:16	<p>Walker, Donald 01-10-2019 (00:00:35)</p> <p>142:2 Q. Now, so each customer of McKesson --</p> <p>142:3 pursuant to your 2008 monitoring policy, each</p> <p>142:4 customer for each family of a controlled substance</p> <p>142:5 would have an established threshold; true?</p> <p>142:6 A. That's correct.</p> <p>142:7 Q. And that was a monthly threshold;</p> <p>142:8 right?</p> <p>142:9 A. Calculated monthly.</p> <p>142:10 Q. So a particular pharmacy would have a</p> <p>142:11 monthly threshold, for example, for hydrocodones;</p> <p>142:12 right?</p> <p>142:13 A. Yes.</p> <p>142:14 Q. They would have a monthly threshold</p> <p>142:15 for oxycodones; correct?</p> <p>142:16 A. Yes.</p>	DW03_Donald Walker Plaintiffs' Submission.175
142:17 - 142:24	<p>Walker, Donald 01-10-2019 (00:00:24)</p> <p>142:17 Q. And if they were to exceed that</p> <p>142:18 threshold in any month, that would trigger an</p> <p>142:19 investigation under your monitoring policies;</p> <p>142:20 correct?</p> <p>142:21 A. It would do two things. One, the</p> <p>142:22 order would be blocked, and then the -- which would</p>	DW03_Donald Walker Plaintiffs' Submission.176

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142:25 - 143:7	<p>142:23 trigger additional due diligence to determine why the 142:24 threshold was exceeded.</p> <p>Walker, Donald 01-10-2019 (00:00:24)</p> <p>142:25 Q. And each customer, though, each 143:1 customer could request an increase in their threshold 143:2 for a particular opioid or controlled substance; 143:3 could they not?</p> <p>143:4 A. The program was designed so that 143:5 customers could request additional controlled 143:6 substances of any -- of the controlled substances 143:7 above their threshold.</p>	DW03_Donald Walker Plaintiffs' Submission.177
143:8 - 143:25	<p>Walker, Donald 01-10-2019 (00:00:48)</p> <p>143:8 Q. All right. And McKesson -- if we 143:9 look at this program and how it's divided up, there 143:10 were basically two different groups of customers. 143:11 One, the big chain pharmacies, the RNAs, the regional 143:12 national accounts; correct?</p> <p>143:13 A. That's one large customer group.</p> <p>143:14 Q. And the other major customer group 143:15 that's defined in your monitoring program were the 143:16 ISMCs, or the independent small, medium chains; 143:17 correct?</p> <p>143:18 A. That was also included. But that 143:19 wasn't the totality of every registrant that we 143:20 provided controlled substance to. So the two groups 143:21 that you mentioned in addition to that, would be what 143:22 we called our hospital or MHS group. So these were 143:23 hospitals, institutions, surgery centers. And then 143:24 probably the fourth big category was the federal 143:25 government.</p>	DW03_Donald Walker Plaintiffs' Submission.178
144:22 - 145:1	<p>Walker, Donald 01-10-2019 (00:00:14)</p> <p>144:22 Q. So if there was a pharmacy on Main 144:23 Street in Cleveland, Ohio, that specific pharmacy 144:24 would contact McKesson and say, "We want to increase 144:25 our threshold"? That's how it basically worked with 145:1 the independents and the small -- small chains?</p>	DW03_Donald Walker Plaintiffs' Submission.179
145:3 - 145:4	<p>Walker, Donald 01-10-2019 (00:00:03)</p> <p>145:3 THE WITNESS: Basically, that would be the 145:4 process.</p>	DW03_Donald Walker Plaintiffs' Submission.180
145:6 - 145:24	<p>Walker, Donald 01-10-2019 (00:01:08)</p>	DW03_Donald Walker Plaintiffs' Submission.181

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	145:6 Q. And then that specific pharmacy, say 145:7 the Main Street pharmacy, they would provide 145:8 information and documentation to McKesson to document 145:9 or provide a basis for the increase in the threshold; 145:10 is that how it worked? 145:11 A. Yes, the request -- 145:12 Q. And then the Director of Regulatory 145:13 Affairs would evaluate the information and make a 145:14 determination as to whether or not an increase in a 145:15 particular drug threshold was appropriate? That's 145:16 how it worked? 145:17 A. All threshold increases were reviewed 145:18 by the Director of Regulatory Affairs, or DRAs, and 145:19 they were the sole responsible party to make any 145:20 increases. 145:21 Q. Now, these independent small, medium 145:22 pharmacies were required to submit three months of 145:23 their dispensing data in order to get approval for a 145:24 threshold increase? That was the policy?	
146:1 - 146:19	Walker, Donald 01-10-2019 (00:01:02) 146:1 THE WITNESS: I don't believe that that is 146:2 accurate. 146:3 (Exhibit No. 676 was marked.) 146:4 BY MR. KENNEDY: 146:5 Q. Let me show you Exhibit -- you 146:6 were -- you don't think that's accurate, but you 146:7 were -- you were the boss at this point in time in 146:8 '08; correct? 146:9 A. Yes. 146:10 Q. I'm going to show you Exhibit 676. 146:11 And that's Bates -542108 to -110. 146:12 This is an email from Tom McDonald. Do you 146:13 see that? The first page. 146:14 A. Yes. 146:15 Q. And who was Tom McDonald in this time 146:16 period of 12 -- or excuse me, 2012? Who was he? 146:17 A. Tom McDonald was the Director of 146:18 Regulatory Affairs for the Western part of the 146:19 United States.	DW03_Donald Walker Plaintiffs' Submission.152
146:25 - 148:1	Walker, Donald 01-10-2019 (00:00:56)	DW03_Donald Walker Plaintiffs' Submission.153

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146:25	Q. And he's sending an email to an	
147:1	extraordinarily large group of people. Can you --	
147:2	147:2 are you able to kind of look through that and say	
147:3	147:3 this is -- who this group is?	
147:4	A. Based on the names here, this is a	
147:5	147:5 combination of our sales and operations teams in the	
147:6	147:6 West Region.	
147:7	Q. And you're copied on this; right?	
147:8	Donald Walker, CC.	
147:9	A. Yes, I am.	
147:10	Q. So you would have gotten this; right?	
147:11	A. Yes.	
147:12	Q. Subject, "Ongoing due diligence, new	
147:13	147:13 questionnaires and dispensing data." Do you see	
147:14	147:14 that?	
147:15	A. Yes.	
147:16	Q. It says high -- importance is high;	
147:17	147:17 right?	
147:18	A. Yes.	
147:19	Q. Look to the next page, if you would,	
147:20	147:20 -109, all the way toward the bottom, the paragraph	
147:21	147:21 that starts with, "Additionally."	
147:22	A. Can I have a moment just to review	
147:23	147:23 the rest of the document?	
147:24	A. Sure.	
147:25	Q. I'm not --	
148:1	148:1 (Witness reviewing document.)	
148:2 - 148:14	Walker, Donald 01-10-2019 (00:00:26)	DW03_Donald Walker Plaintiffs' Submission.184
148:2	A. Okay.	
148:3	Q. Look at the paragraph. This is	
148:4	148:4 Mr. McDonald. You're copied on this. The paragraph	
148:5	148:5 that starts, "Additionally."	
148:6	He states:	
148:7	148:7 (Reading) Additionally, dispensing	
148:8	148:8 data is an integral part of	
148:9	148:9 understanding a customer's business	
148:10	148:10 for those accounts requiring higher	
148:11	148:11 thresholds (end of reading).	
148:12	148:12 Would you agree with that? Dispensing data	
148:13	148:13 is an integral part of understanding a customer's	

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148:16 - 148:22	<p>148:14 business; do you agree to that?</p> <p>Walker, Donald 01-10-2019 (00:00:21)</p> <p>148:16 THE WITNESS: I think it would be more 148:17 accurate to say that at the time, as we evolved the 148:18 program and gained knowledge around the tools that 148:19 were available to us, dispensing data was one of the 148:20 items, and just one of them, that we would use to 148:21 help us make a determination of customer thresholds 148:22 and increase requests or establishment.</p>	DW03_Donald Walker Plaintiffs' Submission.185
148:24 - 149:2	<p>Walker, Donald 01-10-2019 (00:00:07)</p> <p>148:24 Q. So you disagree with Mr. McDonald's 148:25 statement, that dispensing data is an integral part 149:1 of understanding a customer's business? You disagree 149:2 with that?</p>	DW03_Donald Walker Plaintiffs' Submission.186
149:5 - 149:7	<p>Walker, Donald 01-10-2019 (00:00:06)</p> <p>149:5 THE WITNESS: I didn't say I disagreed with 149:6 it. What I said was it was a piece, and one of the 149:7 pieces of understanding.</p>	DW03_Donald Walker Plaintiffs' Submission.187
149:9 - 149:14	<p>Walker, Donald 01-10-2019 (00:00:24)</p> <p>149:9 Q. And tell the jury, dispensing data 149:10 from a pharmacy, what is that?</p> <p>149:11 A. The data that a pharmacy may or may 149:12 not provide was data around the quantities of a given 149:13 pharmaceutical or medicine that they would dispense.</p> <p>149:14 So it was a summary document.</p>	DW03_Donald Walker Plaintiffs' Submission.188
149:24 - 150:4	<p>Walker, Donald 01-10-2019 (00:00:12)</p> <p>149:24 Q. Let's talk about an independent 149:25 pharmacy on Main Street. They provide you with 150:1 dispensing data. It's going to tell McKesson how 150:2 much Oxycontin that they are selling, actually 150:3 dispensing, filling prescriptions and dispensing; 150:4 that's what dispensing data is?</p>	DW03_Donald Walker Plaintiffs' Submission.189
150:6 - 150:7	<p>Walker, Donald 01-10-2019 (00:00:02)</p> <p>150:6 THE WITNESS: Dispensing data should 150:7 represent that, yes.</p>	DW03_Donald Walker Plaintiffs' Submission.190
150:9 - 150:22	<p>Walker, Donald 01-10-2019 (00:00:28)</p> <p>150:9 Q. So Mr. McDonald, head of the Western 150:10 Region, in this email he says: 150:11 (Reading) Additionally, dispensing 150:12 data is an integral part of</p>	DW03_Donald Walker Plaintiffs' Submission.191

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	150:13 understanding a customer's business 150:14 for those accounts requiring higher 150:15 thresholds. Bullet 1: Dispensing 150:16 data is not required for all new 150:17 accounts. Bullet 2: It is required 150:18 if the new account is requesting more 150:19 than the minimum stated in the 150:20 questionnaire (end of reading). 150:21 Do you agree with that, it's required for 150:22 that?	
150:25 - 151:2	Walker, Donald 01-10-2019 (00:00:06) 150:25 Q. So if you have got a threshold higher 151:1 than the minimum amount, dispensing data is required; 151:2 do you agree with that statement by Mr. McDonald?	DW03_Donald Walker Plaintiffs' Submission.192
151:4 - 151:10	Walker, Donald 01-10-2019 (00:00:22) 151:4 THE WITNESS: First, I don't recall 151:5 specifically, you know, reviewing or remembering any 151:6 details of this -- of this memo. 151:7 What I would best answer that question, is 151:8 that this is what Mr. McDonald was requesting from 151:9 his field sales team to support his decision base for 151:10 making increases in the Western Region.	DW03_Donald Walker Plaintiffs' Submission.193
151:22 - 152:4	Walker, Donald 01-10-2019 (00:00:11) 151:22 Q. And he states: 151:23 (Reading) It is required -- dispensing 151:24 data, it is required if the new 151:25 account is requesting more than the 152:1 minimum stated in the questionnaire 152:2 (end of reading). 152:3 Did you agree with that statement when you 152:4 read it?	DW03_Donald Walker Plaintiffs' Submission.194
152:6 - 152:9	Walker, Donald 01-10-2019 (00:00:07) 152:6 THE WITNESS: Again, I don't recall 152:7 specifically. What I would say is that I didn't 152:8 disagree with his request. 152:9 BY MR. KENNEDY:	DW03_Donald Walker Plaintiffs' Submission.195
152:22 - 153:5	Walker, Donald 01-10-2019 (00:00:22) 152:22 BY MR. KENNEDY: 152:23 Q. All right. He next says -- the 152:24 bullet next -- and this is the important one for what	DW03_Donald Walker Plaintiffs' Submission.196

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153:7 - 153:17	<p>152:25 we're going to talk about -- he states:</p> <p>153:1 (Reading) It is also required when</p> <p>153:2 customer's request increases on</p> <p>153:3 elevated thresholds (end of reading).</p> <p>153:4 Did you disagree with that statement at the</p> <p>153:5 time and email him back and say, no, you're wrong?</p> <p>Walker, Donald 01-10-2019 (00:00:18)</p> <p>153:7 THE WITNESS: Again, not -- not that I</p> <p>153:8 recall.</p> <p>153:9 BY MR. KENNEDY:</p> <p>153:10 Q. The next bullet says:</p> <p>153:11 (Reading) The request for dispensing</p> <p>153:12 data is standard and should not</p> <p>153:13 deviate (end of reading).</p> <p>153:14 And he goes down and says, a couple more</p> <p>153:15 bullets down says, "The most recent three months of</p> <p>153:16 data" -- that's the dispensing data that they are</p> <p>153:17 talking about; right?</p>	DW03_Donald Walker Plaintiffs' Submission.197
153:20 - 155:3	<p>Walker, Donald 01-10-2019 (00:01:14)</p> <p>153:20 Q. Do you see that?</p> <p>153:21 A. I do. It would appear that that's</p> <p>153:22 what he's requesting.</p> <p>153:23 Q. And then he says:</p> <p>153:24 (Reading) The data must be by line</p> <p>153:25 dispensed (end of reading).</p> <p>154:1 Do you see that?</p> <p>154:2 A. Yes.</p> <p>154:3 Q. He's very specific about what's</p> <p>154:4 required with respect to specific dispensing data, is</p> <p>154:5 he not?</p> <p>154:6 A. He's being very specific.</p> <p>154:7 Q. Then he says:</p> <p>154:8 (Reading) The data must, it must</p> <p>154:9 include product description, date</p> <p>154:10 dispensed, quantity in dosage units,</p> <p>154:11 method of payment, prescribing doctor,</p> <p>154:12 and the doctor's DEA number (end of</p> <p>154:13 reading).</p> <p>154:14 Do you see that?</p> <p>154:15 A. Yes.</p>	DW03_Donald Walker Plaintiffs' Submission.198

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	154:16 Q. Do you remember disagreeing with him 154:17 at that time and sending him back an email, calling 154:18 him on the phone, having a meeting, saying, you're 154:19 wrong, that is not what is required? Do you remember 154:20 doing that? 154:21 A. I do not remember any follow-up 154:22 response to him and disagreeing with him or 154:23 counseling him to do otherwise. 154:24 Q. What he's talking about is a good 154:25 idea; is it? Is it not a good idea to fulfill your 155:1 obligations to get the dispensing data if an 155:2 independent or small pharmacy wants an increase in 155:3 their threshold?	
155:6 - 155:11	Walker, Donald 01-10-2019 (00:00:29) 155:6 THE WITNESS: The view that I would have is 155:7 at the time that we were working under the CSMP and 155:8 gaining additional expertise and insight into how we 155:9 would manage our controlled substance program and our 155:10 understanding of pharmacies, dispensing data became a 155:11 tool that we had potentially available to us.	DW03_Donald Walker Plaintiffs' Submission.159
157:19 - 158:6	Walker, Donald 01-10-2019 (00:00:26) 157:19 Q. If you get dispensing data from a 157:20 pharmacy, you're going to be able to see cash 157:21 payments; are you not, sir? 157:22 A. Not necessarily. 157:23 Q. In many instances will you be able to 157:24 see that, sir? 157:25 A. If -- if the pharmacist chooses to 158:1 enter a cash payment in their pharmacy terminal 158:2 system where this data originates, then, yes, it will 158:3 show up. 158:4 Q. All right. 158:5 A. If he chooses not to do that, it 158:6 won't show up.	DW03_Donald Walker Plaintiffs' Submission.200
158:7 - 158:11	Walker, Donald 01-10-2019 (00:00:12) 158:7 Q. All right. And so you're getting 158:8 dispensing data. And if the pharmacist is putting 158:9 cash payments in, all right, you're going to be able 158:10 to see cash payments -- correct? -- from what you 158:11 just said, if the pharmacist is entering it; true?	DW03_Donald Walker Plaintiffs' Submission.201

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158:14 - 158:19	Walker, Donald 01-10-2019 (00:00:14) 158:14 Q. True? 158:15 A. If the pharmacist enters it into the 158:16 pharmacy terminal system, we would see that. 158:17 Q. And a certain percentage of cash 158:18 payments for opioids for narcotics is evidence of 158:19 diversion; is it not?	DW03_Donald Walker Plaintiffs' Submission.202
158:21 - 159:1	Walker, Donald 01-10-2019 (00:00:15) 158:21 THE WITNESS: The DEA identified cash 158:22 payment percentage as a potential indicator. 158:23 BY MR. KENNEDY: 158:24 Q. All right. And if you get dispensing 158:25 data, as indicated in this memo, it's going to tell 159:1 you who the prescribing doctors are; is it not?	DW03_Donald Walker Plaintiffs' Submission.203
159:3 - 159:5	Walker, Donald 01-10-2019 (00:00:08) 159:3 THE WITNESS: If the data is complete, we 159:4 would see the doctors -- generally see the doctors in 159:5 the dispensing data.	DW03_Donald Walker Plaintiffs' Submission.204
159:7 - 159:11	Walker, Donald 01-10-2019 (00:00:10) 159:7 Q. And that would allow McKesson to 159:8 determine whether a small group of doctors is 159:9 prescribing a large amount of opioids; correct? You 159:10 would be able to do that if you had the dispensing 159:11 data; true?	DW03_Donald Walker Plaintiffs' Submission.205
159:13 - 159:17	Walker, Donald 01-10-2019 (00:00:22) 159:13 THE WITNESS: I'm not sure I can answer that 159:14 accurately. Generally, if the physicians are in 159:15 there and the data was complete, not -- our challenge 159:16 was, is the data wasn't always complete. So I'm 159:17 reluctant to say that that is accurate.	DW03_Donald Walker Plaintiffs' Submission.206
159:19 - 159:24	Walker, Donald 01-10-2019 (00:00:15) 159:19 Q. If you have accurate prescribing 159:20 data, McKesson would be able to determine whether a 159:21 small group of doctors is ordering a large percentage 159:22 of the opioids from that pharmacy; correct? You're 159:23 able to do that?	DW03_Donald Walker Plaintiffs' Submission.207
160:7 - 160:19	159:24 A. If the data was accurate, yes. Walker, Donald 01-10-2019 (00:00:36) 160:7 Q. And the DEA told you back in 2006 160:8 that's one of the things you should look for, a small	DW03_Donald Walker Plaintiffs' Submission.208

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	160:9 number of doctors ordering a large percent of the 160:10 opioids from a pharmacy? That's one of the things 160:11 you should look for? 160:12 A. My recollection of the document, the 160:13 documents state that is one of the areas that they 160:14 outlined. 160:15 Q. And if you had the doctor's name from 160:16 the prescribing -- or the prescribing data, you 160:17 could -- McKesson could research as to whether or not 160:18 this physician was having problems with any medical 160:19 board; couldn't you?	
160:22 - 161:2	Walker, Donald 01-10-2019 (00:00:33)	DW03_Donald Walker Plaintiffs' Submission-209
	160:22 Q. If you had that data? 160:23 A. I believe, Counsel -- I didn't 160:24 specifically make any type of inquiries myself, but 160:25 my understanding was, is that we -- you had the 161:1 ability to identify any doctors if, in fact, there 161:2 was documentation on state medical board sites.	
161:3 - 161:7	Walker, Donald 01-10-2019 (00:00:17)	DW03_Donald Walker Plaintiffs' Submission-210
	161:3 Q. And if you got the dispensing data, 161:4 as Mr. McDonald is saying here in 2012 is required, 161:5 you can now actually see if a pharmacy is purchasing 161:6 opioids from other distributors, other than just 161:7 McKesson; correct?	
161:10 - 161:21	Walker, Donald 01-10-2019 (00:00:33)	DW03_Donald Walker Plaintiffs' Submission-211
	161:10 THE WITNESS: I don't recall that we had the 161:11 ability or felt we had the ability to determine 161:12 multiple distribution -- distributors supplying a 161:13 pharmacy through dispensing data. 161:14 BY MR. KENNEDY: 161:15 Q. Let me ask you this. If the 161:16 dispensing data says that a particular pharmacy is 161:17 dispensing, selling 1,000 Oxycontins in a month, and 161:18 your records say you're selling them only 500, then 161:19 you can reasonably conclude that they are getting 161:20 Oxycontins from somebody other than just McKesson; 161:21 right?	
161:24 - 162:7	Walker, Donald 01-10-2019 (00:00:30)	DW03_Donald Walker Plaintiffs' Submission-212
	161:24 THE WITNESS: Counsel, there are so many 161:25 variables in pharmacy behavior, in terms of inventory	

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	162:1 management, again, it's very difficult for me to 162:2 answer accurately whether that could take place. 162:3 BY MR. KENNEDY: 162:4 Q. If you have the dispensing data, 162:5 McKesson would be able to determine the percentage of 162:6 controlled substances against total prescriptions? 162:7 They would be able to calculate that, wouldn't they?	
162:10 - 162:16	Walker, Donald 01-10-2019 (00:00:19)	DW03_Donald Walker Plaintiffs' Submission.213
	162:10 THE WITNESS: Counsel, I'm having a 162:11 difficult time answering the question. I think it's 162:12 an oversimplification of analysis of the value of 162:13 this dispensing data. 162:14 As I stated, it was a very valuable tool to 162:15 us, but it was a single tool. We had other data 162:16 points that we needed to understand.	
162:17 - 162:24	Walker, Donald 01-10-2019 (00:00:21)	DW03_Donald Walker Plaintiffs' Submission.214
	162:17 BY MR. KENNEDY: 162:18 Q. Isn't that exactly one of the things 162:19 that the DEA told McKesson in 2006 you ought to be 162:20 looking to, the percentage of controlled substances 162:21 that a pharmacy was selling against its total 162:22 prescription sales? Isn't that one of the specific 162:23 items that DEA informed you in 2006 you should be 162:24 looking at?	
163:2 - 163:5	Walker, Donald 01-10-2019 (00:00:13)	DW03_Donald Walker Plaintiffs' Submission.215
	163:2 Q. Correct? 163:3 A. My recollection, was that the 163:4 percentage of controlled substance sales were a point 163:5 of indication.	
181:6 - 181:24	Walker, Donald 01-10-2019 (00:00:52)	DW03_Donald Walker Plaintiffs' Submission.216
	181:6 Q. All right. Mr. Walker, we've talked 181:7 a bit about the independents, the small, medium, the 181:8 smaller chains. I want to switch gears now and talk 181:9 to you about what McKesson called the RNAs, or the 181:10 regional national accounts; all right? 181:11 A. Yes. 181:12 Q. You're familiar with RNA, regional 181:13 national account terminology? 181:14 A. The -- yes, I am. The correct 181:15 terminology is retail national account.	

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	181:16 Q. I'm sorry. Those would be the big 181:17 chains? 181:18 A. Big chains. 181:19 Q. The CVS, the Walgreens, the Walmarts, 181:20 the Rite Aids; correct? 181:21 A. That size chain, yes. 181:22 Q. Those are big customers; we agree? 181:23 The big chains were big customers to McKesson? 181:24 A. Yes.	DW03_Donald Walker Plaintiffs' Submission.217
182:25 - 183:4	Walker, Donald 01-10-2019 (00:00:13) 182:25 Q. Can we agree that McKesson's legal 183:1 duties, responsibilities to monitor and prevent 183:2 diversion applies to the large national chains in the 183:3 same fashion it applies to the independent smaller 183:4 chains?	DW03_Donald Walker Plaintiffs' Submission.217
183:6 - 183:17	Walker, Donald 01-10-2019 (00:00:31) 183:6 THE WITNESS: Yes, our -- our overall 183:7 controlled substance and regulatory responsibility 183:8 applied to the all the registrants that we provided 183:9 controlled substances to. 183:10 BY MR. KENNEDY: 183:11 Q. And that's always been true? Going 183:12 back to 1970, 1971, when the Controlled Substance Act 183:13 came into existence and the regulations came into 183:14 existence, that's always been true; your 183:15 responsibility to the large chains was no different 183:16 than your responsibilities related to an independent 183:17 pharmacy?	DW03_Donald Walker Plaintiffs' Submission.218
183:19 - 184:8	Walker, Donald 01-10-2019 (00:00:39) 183:19 THE WITNESS: Outside of the direct 183:20 experience that I had and exposure I had with the 183:21 retail national accounts, I can't say what happened 183:22 in the early years. But certainly during my tenure 183:23 it was the same. 183:24 BY MR. KENNEDY: 183:25 Q. The "Know Your Customer" 184:1 responsibility applied to the large national chains; 184:2 true? 184:3 A. As part of our program, yes, it did. 184:4 Q. The responsibility of McKesson to	DW03_Donald Walker Plaintiffs' Submission.219

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184:10 - 184:20	<p>184:5 identify suspicious orders, based upon size and 184:6 frequency, unusual pattern, applied to the big 184:7 regional national accounts -- retail national 184:8 accounts -- I'm sorry -- would that be true?</p> <p>Walker, Donald 01-10-2019 (00:00:31)</p> <p>184:10 THE WITNESS: All the elements of our 184:11 Controlled Substance Monitoring Program would have 184:12 applied to national accounts.</p> <p>184:13 BY MR. KENNEDY:</p> <p>184:14 Q. Now, with respect to threshold 184:15 increases. We talked about threshold increases in 184:16 the smaller chains. Let's talk about threshold 184:17 increases with respect to the big chains. 184:18 From time to time McKesson would increase 184:19 thresholds for pharmacies that were part of a large 184:20 retail account; correct?</p>	DW03_Donald Walker Plaintiffs' Submission-220
184:22 - 185:12	<p>Walker, Donald 01-10-2019 (00:00:49)</p> <p>184:22 THE WITNESS: Yes, we -- we would increase 184:23 thresholds.</p> <p>184:24 BY MR. KENNEDY:</p> <p>184:25 Q. But with respect to the big pharmacy 185:1 chains, when you were going to increase a threshold, 185:2 McKesson would not communicate directly with the 185:3 specific pharmacy that was requesting the increase, 185:4 McKesson, rather, would communicate with the 185:5 corporate headquarters of the big chain; is that 185:6 accurate?</p> <p>185:7 A. As part of our Controlled Substance 185:8 Monitoring Program, we utilized the retail national 185:9 account chain regulatory teams in the communication 185:10 often. It varied by -- by account or by customer. 185:11 But we did leverage the regulatory teams at the 185:12 national accounts.</p>	DW03_Donald Walker Plaintiffs' Submission-221
186:2 - 186:6	<p>Walker, Donald 01-10-2019 (00:00:09)</p> <p>186:2 Q. All right. So if you're talking 186:3 about CVS, for example, you would be dealing with 186:4 headquarters in Providence, Rhode Island; that was 186:5 the norm? Correct?</p> <p>186:6 A. Yes.</p>	DW03_Donald Walker Plaintiffs' Submission-222
186:14 - 187:13	<p>Walker, Donald 01-10-2019 (00:01:07)</p>	DW03_Donald Walker Plaintiffs' Submission-223

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186:14	Q. That's the concept? You're dealing	
186:15	with headquarters; correct?	
186:16	A. Yes.	
186:17	Q. Who is Elaine Thomet, if I'm saying	
186:18	that right?	
186:19	A. I'm sorry. Can you spell the last	
186:20	name.	
186:21	Q. T-h-o-m-e-t.	
186:22	A. Thomet.	
186:23	Q. Thomet. I am very sorry. I wasn't	
186:24	even close.	
186:25	Who is she or who was she in this period of	
187:1	'08 to, let's say, '14, 2014?	
187:2	A. My recollection is Elaine and her	
187:3	responsibilities during that time frame, she worked	
187:4	in our retail national account support team. She was	
187:5	a -- as I understood it -- I don't remember her	
187:6	title -- was primarily a liaison, you know, from the	
187:7	retail national account support team into operations	
187:8	and others.	
187:9	Q. Okay. She would liaison into	
187:10	regulatory?	
187:11	A. On occasion, I believe that's	
187:12	correct.	
187:13	MR. KENNEDY: Let's look at Exhibit 677.	
187:17 - 187:25	Walker, Donald 01-10-2019 (00:00:09)	DW03_Donald Walker Plaintiff's Submission-224
187:17	Q. I want to look at an email, the top	
187:18	email on the first page, -72.	
187:19	A. I haven't seen this document before.	
187:20	Could I just --	
187:21	Q. Sure.	
187:22	A. -- have a moment to familiarize	
187:23	myself?	
187:24	Q. Please.	
187:25	A. Thank you.	
188:3 - 188:4	Walker, Donald 01-10-2019 (00:00:04)	DW03_Donald Walker Plaintiff's Submission-225
188:3	Q. If you want to look -- look to page	
188:4	-74. That would be the third page in.	
188:5 - 188:16	Walker, Donald 01-10-2019 (00:00:27)	DW03_Donald Walker Plaintiff's Submission-226
188:5	And you remember, we've had a discussion	

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	188:6 about dispensing data and whether or not that was 188:7 required for an increase in a drug threshold for the 188:8 smaller independent accounts. Do you recall that 188:9 discussion we had? Correct?	
	188:10 A. I'm sorry. Repeat your question.	
	188:11 Q. We've -- we've had a discussion --	
	188:12 I've asked you about the requirement for dispensing 188:13 data in -- when increasing the threshold of an 188:14 independent or smaller chain. You recall that 188:15 discussion?	
	188:16 A. Yes.	
188:19 - 190:4	Walker, Donald 01-10-2019 (00:01:31)	DW03_Donald Walker Plaintiffs' Submission.327
	188:19 Q. So I want to have that discussion now 188:20 with respect to the regional national accounts.	
	188:21 If you look to page -74, down at the bottom, 188:22 you will see a November 1, 2012, email, it looks like 188:23 from Perry Anderson, where it says: 188:24 (Reading) Hi, Dan, quick question. 188:25 See Frank's email below regarding CSMP 189:1 threshold adjustments (end of 189:2 reading).	
	189:3 That's Controlled Substance Monitoring 189:4 Program; right?	
	189:5 A. Yes.	
	189:6 Q. And they are asking about threshold 189:7 adjustments. And he says, "Is it common -- common 189:8 practice in RNA" -- that would be the big chains; 189:9 right? Right? RNA?	
	189:10 A. Yes.	
	189:11 Q. (Reading) Is it common practice 189:12 in RNA to change thresholds without 189:13 asking for this similar backup, or is 189:14 it more or less done by RNA support 189:15 team behind the scenes for RNA 189:16 accounts (end of reading)? 189:17 Now, go back to -74. And here seems to be 189:18 the response. Dan Jeffries responds: 189:19 (Reading) We do -- we adjust at the 189:20 request of the customer, but we don't 189:21 ask for dispense data (end of	

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	189:22 reading).	
	189:23 Do you see that?	
	189:24 A. Yes.	
	189:25 Q. He's talking about the regional	
	190:1 national accounts. Was that the policy -- and it's	
	190:2 2012 -- that with respect to increases in the	
	190:3 thresholds for pharmacies that were a part of the big	
	190:4 chains, you did not ask for dispensing data?	
190:6 - 192:15	Walker, Donald 01-10-2019 (00:02:51)	DW03_Donald Walker Plaintiffs' Submission-228
	190:6 THE WITNESS: Generally we did not ask for	
	190:7 any dispensing data from our retail national account	
	190:8 pharmacies.	
	190:9 BY MR. KENNEDY:	
	190:10 Q. Go to page -72, the first page. Now,	
	190:11 this is an email from Elaine Thomet on 11-2-12. And	
	190:12 she says:	
	190:13 (Reading) If it helps, I will add some	
	190:14 clarification. What Frank may not	
	190:15 understand is that with RNA, the big	
	190:16 accounts, we are able to establish the	
	190:17 regulatory relationship with their	
	190:18 headquarters and not at store level	
	190:19 (end of reading).	
	190:20 Now, that's what we were talking about. You	
	190:21 were addressing the headquarters as opposed to the	
	190:22 individual stores when it came to the big national	
	190:23 accounts; true?	
	190:24 A. We used the headquarters.	
	190:25 Q. She then says:	
	191:1 (Reading) After their thresholds have	
	191:2 been initially set up, based on their	
	191:3 required usage data or historical	
	191:4 data, if they were a customer back	
	191:5 when we implemented the CSMP, then any	
	191:6 time they exceed their threshold, we	
	191:7 review it and working with their	
	191:8 headquarters and our regulatory team,	
	191:9 determine if the store should be	
	191:10 allowed an increase. If the HQs	
	191:11 agreed, then the presumption is made	

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	191:12 that they have done their due 191:13 diligence. It also means that we are 191:14 not talking to the direct purchaser -- 191:15 that's the individual pharmacy -- but, 191:16 rather, a representative from 191:17 headquarters, preferably in Regulatory 191:18 Loss Prevention, Asset Control, 191:19 et cetera (end of reading). 191:20 Do you see that? 191:21 A. Yes. 191:22 Q. And was that basically then the 191:23 practice? If headquarters said a threshold increase 191:24 is okay, there was at least -- in the words of 191:25 Ms. Thomet, there was a presumption that the 192:1 headquarters of the national chain had done their due 192:2 diligence -- had done their due diligence; is that 192:3 correct? 192:4 A. It is -- it is correct that we 192:5 utilized the retail national chains' headquarters 192:6 regulatory and oversight groups to assist us in 192:7 ensuring that any threshold increases were 192:8 appropriate. 192:9 Q. And you would assume that they did 192:10 their due diligence when saying a threshold increase 192:11 is okay, according to -- at least to Elaine Thomet? 192:12 A. Based -- based on our discussions 192:13 with headquarters and understanding what their 192:14 internal procedures were and how they conducted 192:15 oversight of their pharmacies, yes.	
192:16 - 192:20	Walker, Donald 01-10-2019 (00:00:11)	DW03_Donald Walker Plaintiffs' Submission-229
	192:16 Q. No prescribing data was required to 192:17 grant a threshold increase for the pharmacy at a 192:18 large chain; correct? We just went through that. 192:19 True? 192:20 A. No.	
192:23 - 193:8	Walker, Donald 01-10-2019 (00:00:27)	DW03_Donald Walker Plaintiffs' Submission-230
	192:23 Q. And so McKesson, when increasing the 192:24 threshold of a pharmacy at a large chain, had no 192:25 direct knowledge of the physicians who were writing 193:1 the prescriptions at the pharmacies for the large	

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	193:2 national accounts; true? 193:3 A. That is -- that is correct. 193:4 Q. You weren't able to check to see if 193:5 any of these physicians had an issue with a medical 193:6 board in the large national chains, correct, because 193:7 you didn't have their identity? Couldn't do that; 193:8 true?	DW03_Donald Walker Plaintiffs' Submission.221
193:12 - 193:22	Walker, Donald 01-10-2019 (00:00:39) 193:12 Q. Correct? 193:13 A. It is probably more accurate to state 193:14 that we did not have the detail of their -- of their 193:15 prescriptions and the items that would be included in 193:16 that prescription data. 193:17 Q. All right. And that would include 193:18 the identity of the doctor; correct? 193:19 A. Presumably, yes. 193:20 Q. It would include the data that would 193:21 allow you to accurately run percentages on controlled 193:22 purchases versus non-controlled purchases; correct?	DW03_Donald Walker Plaintiffs' Submission.221
193:24 - 193:24	Walker, Donald 01-10-2019 (00:00:01) 193:24 THE WITNESS: We wouldn't have that ability.	DW03_Donald Walker Plaintiffs' Submission.222
194:2 - 194:7	Walker, Donald 01-10-2019 (00:00:13) 194:2 Q. And you wouldn't have the ability, 194:3 with respect to the large chains, to make a 194:4 determination as to whether or not they were -- they 194:5 were doing business with pain clinics; right? You 194:6 wouldn't be able to -- you wouldn't know that because 194:7 you don't know who they are selling to; true?	DW03_Donald Walker Plaintiffs' Submission.223
194:9 - 194:14	Walker, Donald 01-10-2019 (00:00:14) 194:9 THE WITNESS: We wouldn't -- without the -- 194:10 we wouldn't have their prescription data. 194:11 BY MR. KENNEDY: 194:12 Q. So you wouldn't -- you wouldn't know 194:13 whether they were selling to pain clinics, would you, 194:14 these large -- these large national accounts?	DW03_Donald Walker Plaintiffs' Submission.224
194:16 - 195:2	Walker, Donald 01-10-2019 (00:00:33) 194:16 THE WITNESS: We -- we wouldn't know from 194:17 the data whether they are were selling to pain 194:18 clinics. I wouldn't state that we wouldn't 194:19 necessarily -- we may find out some other -- an other	DW03_Donald Walker Plaintiffs' Submission.225

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	194:20 way, but generally the data within the potential 194:21 indicator. 194:22 BY MR. KENNEDY: 194:23 Q. Well, you wouldn't have any 194:24 systematic, regular way to check up on all of the 194:25 different pharmacies at the big retail accounts to 195:1 determine who their customers were and as to whether 195:2 or not they were pain clinics? That's accurate?	DW03_Donald Walker Plaintiffs' Submission.234
195:5 - 195:10	Walker, Donald 01-10-2019 (00:00:13) 195:5 Q. Right? 195:6 A. Generally we -- we would not. 195:7 Q. And the DEA had informed McKesson, 195:8 had they not, that a list of pain clinics were a big 195:9 problem in our country? They had told you that; had 195:10 they not?	DW03_Donald Walker Plaintiffs' Submission.234
195:13 - 195:15	Walker, Donald 01-10-2019 (00:00:15) 195:13 THE WITNESS: In a prior meeting and some 195:14 communications, the DEA identified pain clinics. 195:15 MR. KENNEDY: Let me show you Exhibit 752.	DW03_Donald Walker Plaintiffs' Submission.237
197:7 - 197:14	Walker, Donald 01-10-2019 (00:00:28) 197:7 Q. And with respect to the big chain 197:8 pharmacies, McKesson was not on any regular basis 197:9 getting the dispensing data that would have told them 197:10 whether or not these big chain pharmacies were 197:11 selling to pain clinics; is that right? 197:12 A. We did not get the dispensing data. 197:13 We relied on the chain's regulatory and loss 197:14 prevention groups to understand their patient base.	DW03_Donald Walker Plaintiffs' Submission.238
197:15 - 197:22	Walker, Donald 01-10-2019 (00:00:25) 197:15 Q. Without the prescribing data from a 197:16 chain pharmacy, the big chains, the CVSes, the 197:17 Walmarts, you wouldn't have enough detail to identify 197:18 whether or not physicians have been prescribing 197:19 what's been called the trinity of opioids, would you, 197:20 a combination of drugs that indicate diversion? You 197:21 wouldn't be able to know and understand that; would 197:22 you?	DW03_Donald Walker Plaintiffs' Submission.239
197:25 - 198:3	Walker, Donald 01-10-2019 (00:00:02) 197:25 THE WITNESS: The -- 198:1 BY MR. KENNEDY:	DW03_Donald Walker Plaintiffs' Submission.240

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	198:2 Q. You wouldn't have that info; would 198:3 you?	
198:5 - 198:6	Walker, Donald 01-10-2019 (00:00:08)	DW03_Donald Walker Plaintiffs' Submission-241
	198:5 THE WITNESS: We would not have the detail 198:6 of prescription by doctor.	
198:15 - 198:18	Walker, Donald 01-10-2019 (00:00:07)	DW03_Donald Walker Plaintiffs' Submission-242
	198:15 Q. Not just the duty to know the 198:16 pharmacy, but you had to know the pharmacy's 198:17 customers? That was part of your obligation with the 198:18 DEA; was it not?	
198:21 - 199:11	Walker, Donald 01-10-2019 (00:00:47)	DW03_Donald Walker Plaintiffs' Submission-243
	198:21 THE WITNESS: No, our -- our responsibility 198:22 was to continue to adhere to the regulations 198:23 associated with distribution and handling of 198:24 controlled substances.	
	198:25 ///	
	199:1 BY MR. KENNEDY:	
	199:2 Q. Sir, look at the very next page of 199:3 your slide -- your slide presentation, -175, the very 199:4 next page. It says, "DEA Registrants" at the top; 199:5 right?	
	199:6 A. Yes.	
	199:7 Q. This is your presentation. Then the 199:8 first box on the left, does it state, "Know your 199:9 customer and your customer's customer"? Is that what 199:10 your presentation states?	
	199:11 A. Yes, it does.	
199:12 - 199:13	Walker, Donald 01-10-2019 (00:00:02)	DW03_Donald Walker Plaintiffs' Submission-244
	199:12 Q. And that was your obligation at 199:13 McKesson; was it not?	
199:16 - 199:23	Walker, Donald 01-10-2019 (00:00:25)	DW03_Donald Walker Plaintiffs' Submission-245
	199:16 THE WITNESS: I would more accurately define 199:17 this as our effort to ensure that we were doing 199:18 everything that we could to manage the distribution 199:19 of controlled substances. There -- there was not a 199:20 regulatory requirement to know our customer, our 199:21 customer's customer, but clearly there is an 199:22 opportunity for us to do everything we can to support 199:23 the DEA in their enforcement actions.	
199:25 - 200:5	Walker, Donald 01-10-2019 (00:00:15)	DW03_Donald Walker Plaintiffs' Submission-246

DW03_Donald Walker Plaintiffs' Submission

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200:8 - 200:14	<p>199:25 Q. Doesn't it say, "DEA Registrants," 200:1 and then underneath the big arrow it says, 200:2 "Regulatory Burden"? And your statement to all of 200:3 the Directors in Regulatory Affairs, "Know your 200:4 customer and your customer's customer"; is that your 200:5 slide?</p> <p>Walker, Donald 01-10-2019 (00:00:22)</p> <p>200:8 Q. Is that your slide?</p> <p>200:9 A. This is -- this is a slide that I 200:10 created.</p> <p>200:11 Q. And without prescribing data from the 200:12 16,000 individual pharmacies that were part of the 200:13 big chain pharmacy accounts, there is no way for 200:14 McKesson to know its customer's customer; is there?</p>	DW03_Donald Walker Plaintiffs' Submission.247
200:17 - 200:19	<p>Walker, Donald 01-10-2019 (00:00:09)</p> <p>200:17 THE WITNESS: Without prescribing data from 200:18 the national accounts, we would not have the elements 200:19 of prescription data that we have outlined before.</p>	DW03_Donald Walker Plaintiffs' Submission.248
201:6 - 201:14	<p>Walker, Donald 01-10-2019 (00:00:23)</p> <p>201:6 BY MR. KENNEDY:</p> <p>201:7 Q. And the Directors of Regulatory 201:8 Affairs, and the folks that worked for them, they 201:9 didn't get in their cars on a regular basis and 201:10 physically visit the pharmacies of the big chain 201:11 pharmacies; correct?</p> <p>201:12 A. Again, I can't say that it never 201:13 occurred. But generally we did not conduct site 201:14 visits at the chain pharmacies.</p>	DW03_Donald Walker Plaintiffs' Submission.249
201:25 - 202:2	<p>Walker, Donald 01-10-2019 (00:00:07)</p> <p>201:25 Q. All right. But essentially McKesson 202:1 was allowing the big chain pharmacies to monitor 202:2 themselves with respect to threshold increases?</p>	DW03_Donald Walker Plaintiffs' Submission.250
202:5 - 203:1	<p>Walker, Donald 01-10-2019 (00:01:09)</p> <p>202:5 THE WITNESS: We relied on the resources 202:6 that were in the chain pharmacies, with the stated 202:7 responsibility for their regulatory compliance, to 202:8 help us in ensuring that their pharmacies were 202:9 executing appropriately.</p> <p>202:10 BY MR. KENNEDY:</p> <p>202:11 Q. Well, let me ask, did McKesson ever</p>	DW03_Donald Walker Plaintiffs' Submission.251

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Page/Line	Source	ID
202:12	think that -- let's say, for example, did they ever	
202:13	think that CVS would report themselves to the DEA?	
202:14	A. I'm not sure I understand that	
202:15	question.	
202:16	Q. Did McKesson ever believe that CVS,	
202:17	for example, CVS headquarters, would report one of	
202:18	their own pharmacies to the DEA?	
202:19	A. I can't answer the question. I	
202:20	don't -- I don't know.	
202:21	Q. I mean, did CVS ever sit there and	
202:22	say, well, we think that CVS headquarters will	
202:23	contact the DEA and tell them we have a pharmacy in	
202:24	West Virginia that is violating the law, and we think	
202:25	you should close them down? Do you think that they	
203:1	would ever do that?	
203:4 - 204:1	Walker, Donald 01-10-2019 (00:01:08)	DW03_Donald Walker Plaintiffs' Submission.252
203:4	THE WITNESS: Again, I can't answer what CVS	
203:5	would or would not do with information that they	
203:6	received.	
203:7	BY MR. KENNEDY:	
203:8	Q. Let's talk about Level 1	
203:9	investigations. That's the investigation that would	
203:10	take place after -- after an individual pharmacy	
203:11	would place an order that exceeded their threshold;	
203:12	correct?	
203:13	A. Yes.	
203:14	Q. And, again, I want to focus on the	
203:15	national chains. So if a -- if a small	
203:16	independent -- if a small independent chain ordered	
203:17	over their threshold, McKesson would contact that	
203:18	individual pharmacy directly; true? That was the	
203:19	policy?	
203:20	A. Yes, that's correct.	
203:21	Q. But if the -- but if an individual	
203:22	pharmacy from a big national chain ordered over their	
203:23	opioid threshold, then McKesson would contact the	
203:24	national headquarters of the chain; true?	
203:25	A. If we were to make the contact, it	
204:1	would be with the chain -- the chain headquarters.	
211:23 - 211:24	Walker, Donald 01-10-2019 (00:00:02)	DW03_Donald Walker Plaintiffs' Submission.253

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211:25 - 212:10	<p>211:23 MR. KENNEDY: Let me show you Exhibit 685.</p> <p>211:24 (Exhibit No. 685 was marked.)</p> <p>Walker, Donald 01-10-2019 (00:00:52)</p> <p>211:25 MR. KENNEDY: 685 is Bates -498295 to -307.</p> <p>212:1 Q. Do you remember this document?</p> <p>212:2 A. Yes, I do.</p> <p>212:3 Q. And this is a PowerPoint that was put</p> <p>212:4 together for presentation to the DEA; true?</p> <p>212:5 A. The date of this document is -- and</p> <p>212:6 my understanding of this document, based on the date</p> <p>212:7 here, is that it was a document that we put together</p> <p>212:8 for a review with various DEA field offices and DEA.</p> <p>212:9 Q. Did you prepare this?</p> <p>212:10 A. I prepared the original, yes.</p>	DW03_Donald Walker Plaintiffs' Submission.254
212:11 - 212:11	<p>Walker, Donald 01-10-2019 (00:00:03)</p> <p>212:11 Q. Go to page -302, if you would. See</p>	DW03_Donald Walker Plaintiffs' Submission.255
212:12 - 213:24	<p>Walker, Donald 01-10-2019 (00:01:48)</p> <p>212:12 where it says, "Level 1 Review"?</p> <p>212:13 A. Yes.</p> <p>212:14 Q. That's what we've been talking about</p> <p>212:15 with respect to the large chain pharmacies; right?</p> <p>212:16 A. Yes.</p> <p>212:17 Q. And in this presentation to the DEA,</p> <p>212:18 does it state, "Review and Escalation. Level 1</p> <p>212:19 Review, Actions: Direct contact customer"?</p> <p>212:20 Well, that's not true with respect to the</p> <p>212:21 big regional accounts, the big national accounts.</p> <p>212:22 You contacted headquarters, you didn't contact the</p> <p>212:23 pharmacy that ordered over the threshold; true?</p> <p>212:24 True?</p> <p>212:25 A. That's not accurate.</p> <p>213:1 Our relationship at a retail national</p> <p>213:2 account level was specifically and strictly with the</p> <p>213:3 headquarters, in all matters.</p> <p>213:4 Q. Exactly. So the individual pharmacy,</p> <p>213:5 the individual pharmacy that went over the threshold</p> <p>213:6 and was subject to a Level 1 Review, they weren't</p> <p>213:7 contacted; you contacted headquarters, correct?</p> <p>213:8 A. That is correct.</p> <p>213:9 Q. And it says, "You will ascertain the</p>	DW03_Donald Walker Plaintiffs' Submission.256

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	213:10 reason for exceeding the threshold." But as you just 213:11 told us, corporate headquarters wouldn't even 213:12 necessarily get back to you as to why their 213:13 individual pharmacy exceeded the threshold; right? 213:14 A. That could occur, yes. 213:15 Q. It says, "Conduct analysis as 213:16 required." And then at the bottom, "Documentation." 213:17 My question is, when you made this 213:18 presentation to the DEA in 2008, did you tell them 213:19 that with respect to these Level 1 Reviews, this 213:20 isn't going to apply to the big national chains, 213:21 we're going to let them do all of this themselves? 213:22 Did you tell them that the big national chains 213:23 weren't going to be a part of these Level 1 Reviews 213:24 by McKesson?	
214:1 - 214:8	Walker, Donald 01-10-2019 (00:00:21) 214:1 THE WITNESS: I don't recall specifically if 214:2 we had the conversation with DEA either at a local 214:3 level or at headquarters level of how we were going 214:4 to handle the retail national accounts. 214:5 BY MR. KENNEDY: 214:6 Q. Do you recall telling them, you know, 214:7 we're going to let 16,000 pharmacies really kind of 214:8 monitor themselves? Did you tell them that?	DW03_Donald Walker Plaintiffs' Submission_257
214:11 - 214:12	Walker, Donald 01-10-2019 (00:00:02) 214:11 THE WITNESS: No, we didn't have that 214:12 conversation.	DW03_Donald Walker Plaintiffs' Submission_258
214:20 - 214:24	Walker, Donald 01-10-2019 (00:00:15) 214:20 And so let me ask you, Rite Aid, was that a 214:21 big national account, one of the big retail RNA 214:22 accounts at McKesson? 214:23 A. Rite Aid was and is a large customer 214:24 of McKesson.	DW03_Donald Walker Plaintiffs' Submission_259
217:10 - 217:15	Walker, Donald 01-10-2019 (00:00:19) 217:10 Q. Let me ask you this. Maybe we can 217:11 shortcut things. Did the big national chains, such 217:12 as CVS and Walmart and Rite Aid, did they represent, 217:13 then, to McKesson that they would review their own 217:14 pharmacies when their own pharmacy exceeded a 217:15 threshold and you notified them?	DW03_Donald Walker Plaintiffs' Submission_260

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217:18 - 217:19	Walker, Donald 01-10-2019 (00:00:02) 217:18 Q. Was that the understanding, the 217:19 representation?	DW03_Donald Walker Plaintiffs' Submission.261
217:21 - 218:2	Walker, Donald 01-10-2019 (00:00:22) 217:21 THE WITNESS: I think it's better said that 217:22 we understood that they would -- had their own 217:23 internal reports and mechanisms to monitor and 217:24 evaluate their own pharmacies' distribution of 217:25 controlled substances, and we relied on their 218:1 resources and their expertise and their data that 218:2 they had and kept internally to manage that.	DW03_Donald Walker Plaintiffs' Submission.262
218:4 - 218:9	Walker, Donald 01-10-2019 (00:00:12) 218:4 Q. But, again, you were relying upon 218:5 their representation of their monitoring programs, 218:6 but -- because you didn't hire people to sneak into 218:7 their offices and look at their monitoring programs? 218:8 They provided you with the statements that they were 218:9 monitoring; correct?	DW03_Donald Walker Plaintiffs' Submission.263
218:12 - 218:18	Walker, Donald 01-10-2019 (00:00:24) 218:12 THE WITNESS: Our -- our discussions with 218:13 our national account customers, in each of those they 218:14 would describe to us, and we would have discussions 218:15 around the processes that they used, and we -- again, 218:16 we utilized them heavily to -- as resources that were 218:17 available to help us in managing our overall 218:18 Controlled Substance Monitoring Program.	DW03_Donald Walker Plaintiffs' Submission.264
218:19 - 218:24	Walker, Donald 01-10-2019 (00:00:23) 218:19 MR. KENNEDY: Give me 678. 218:20 (Exhibit No. 678 was marked.) 218:21 BY MR. KENNEDY: 218:22 Q. I am going to show you Exhibit 678, 218:23 which we don't have Bates numbers on. Let me give 218:24 you this. It's 445881-4.	DW03_Donald Walker Plaintiffs' Submission.265
218:25 - 219:3	Walker, Donald 01-10-2019 (00:00:18) 218:25 If you go down to the bottom, this is an 219:1 email by Elaine Thomet again, July 17, 2014. I want 219:2 to see if you agree with this. Do you see the second 219:3 page?	DW03_Donald Walker Plaintiffs' Submission.266
219:4 - 219:5	Walker, Donald 01-10-2019 (00:00:02) 219:4 A. Hang on just a moment. Let me just	DW03_Donald Walker Plaintiffs' Submission.267

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219:6 - 219:11	219:5 take a quick look. Walker, Donald 01-10-2019 (00:00:14) 219:6 Okay. Counsel, you directed me to the 219:7 second page? 219:8 Q. Yes. Look at the second page, the 219:9 big letters. I mean, you just looked at it. She 219:10 is -- she's talking about setting up informational 219:11 phone calls; is she not?	DW03_Donald Walker Plaintiffs' Submission_263
219:12 - 220:9	Walker, Donald 01-10-2019 (00:01:01) 219:12 A. Yes. 219:13 Q. And look at "The Call/Web-Ex." Does 219:14 she state that, "Due to the nature of centralized 219:15 management within chains" -- and she's talking about 219:16 the big accounts, the big national chains; right? 219:17 A. Yes. 219:18 Q. (Reading) Due to the nature of 219:19 centralized management within chains, 219:20 RNA -- that's McKesson -- has the 219:21 ability to partner with our chain 219:22 customers to act somewhat as our proxy 219:23 in regards to regulatory oversight of 219:24 their stores. Unlike the ISMC -- 219:25 that's the smaller ones -- this allows 220:1 us to avoid the need to interview and 220:2 visit all 16K RNA stores individually 220:3 every one to three years, as we are 220:4 able to interview the main customer 220:5 authorities with regulatory oversight 220:6 of their stores (end of reading). 220:7 Is that basically what you have been saying 220:8 as to -- as to how you addressed chains, the big 220:9 national chains?	DW03_Donald Walker Plaintiffs' Submission_264
220:11 - 220:25	Walker, Donald 01-10-2019 (00:00:49) 220:11 THE WITNESS: We relied on the national 220:12 chains' headquarters, because all the national chains 220:13 had standard operating procedures and centralized 220:14 oversight in their business model. And our -- our 220:15 view was that if you go to one CVS store, you see all 220:16 the CVS stores or all the Rite Aid stores because 220:17 they had very, very tight controls over how they	DW03_Donald Walker Plaintiffs' Submission_270

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	220:18 managed their business. 220:19 BY MR. KENNEDY: 220:20 Q. Well, let me just -- well, first, 220:21 tight controls. You understand CVS was fined 220:22 \$130 million with respect to violations of the 220:23 Controlled Substances Act, \$130 million fines, as you 220:24 tell us they had these very, very tight controls? 220:25 You knew that in your position, didn't you?	
221:4 - 221:15	Walker, Donald 01-10-2019 (00:00:35) 221:4 Q. You knew that; did you not? 221:5 A. I was aware CVS had paid some 221:6 penalties. I don't recall the amount nor do I recall 221:7 the events or the issues. 221:8 Q. And Ms. Thomet, what she says is 221:9 McKesson is giving its proxy to the big national 221:10 chains with respect to regulatory oversight? Does 221:11 she use the word "proxy"? 221:12 A. That is what is written. 221:13 Q. And proxy means you are giving 221:14 someone else authority to act for you; is that what 221:15 it means?	DW03_Donald Walker Plaintiffs' Submission-271
221:18 - 221:19	Walker, Donald 01-10-2019 (00:00:02) 221:18 THE WITNESS: Generally, I would understand 221:19 that.	DW03_Donald Walker Plaintiffs' Submission-272
221:21 - 223:1	Walker, Donald 01-10-2019 (00:01:32) 221:21 Q. And look where she says now, "The 221:22 Data." Do you see that, "The Data"? 221:23 And does she state: 221:24 (Reading) We need to ask them to 221:25 provide three months' dispense data 222:1 using the form specifically developed 222:2 for RNA customers, attached. That 222:3 form can be sent to the customer. The 222:4 data portion we're looking for them to 222:5 provide is simple: DEA number, store 222:6 name, total prescription doses 222:7 dispensed by the DEA registrant for a 222:8 three-month period (excluding liquids, 222:9 patches, powders and inhalers and 222:10 non-Rx). This data, which only they	DW03_Donald Walker Plaintiffs' Submission-273

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	222:11 can provide, simply gives us a better 222:12 understanding of their pharmacy size 222:13 and is an important part of your 222:14 equations when determining percentage 222:15 controls to total Rx, for example. If 222:16 we were their sole provider, we could 222:17 potentially rely on our data alone, 222:18 but often that is not the case with 222:19 RNA customers, which is why we need 222:20 them to provide their total dispense 222:21 database (end of reading). 222:22 Do you see that? 222:23 A. I see that written. 222:24 Q. It's 2014, all right, when she is 222:25 saying that. 2014 is the date of this, is it not, 223:1 for this educational webinar?	
223:4 - 223:4	Walker, Donald 01-10-2019 (00:00:00)	DW03_Donald Walker Plaintiffs' Submission-274
223:7 - 223:12	223:4 Q. Is that right? Walker, Donald 01-10-2019 (00:00:17) 223:7 Q. 2014? 223:8 A. The document is dated in 2014. 223:9 Q. And that's two years after the 223:10 documents we just looked at saying dispensing data is 223:11 a must, it's required for the independent and small 223:12 chains; right? This is two years later?	DW03_Donald Walker Plaintiffs' Submission-275
223:16 - 223:18	Walker, Donald 01-10-2019 (00:00:06) 223:16 Q. Is that right? 223:17 A. This -- this document is two years 223:18 after the documents we reviewed earlier.	DW03_Donald Walker Plaintiffs' Submission-276
223:19 - 223:21	Walker, Donald 01-10-2019 (00:00:10) 223:19 Q. And it's eight years after the DEA 223:20 told McKesson this is what diversion looks like; 223:21 right? Eight years?	DW03_Donald Walker Plaintiffs' Submission-277
223:25 - 223:25	Walker, Donald 01-10-2019 (00:00:01) 223:25 Q. Eight years, sir?	DW03_Donald Walker Plaintiffs' Submission-278
224:2 - 224:10	Walker, Donald 01-10-2019 (00:00:29) 224:2 THE WITNESS: I think better -- a better 224:3 characterization there is that it was eight years 224:4 after DEA identified issues with Internet pharmacies. 224:5 They didn't reveal all of this -- these issues.	DW03_Donald Walker Plaintiffs' Submission-279

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	224:6 And, frankly, as we evolved our program and 224:7 gained additional information and additional 224:8 knowledge and ability to utilize data, we expanded 224:9 our enforcement and -- well, not enforcement, but our 224:10 oversight effort in every way that we could.	DW03_Donald Walker Plaintiffs' Submission-280
224:12 - 224:16	Walker, Donald 01-10-2019 (00:00:19) 224:12 Q. Sir, the DEA said it in 2006, it was 224:13 required for the smaller chains by '12, and there's 224:14 no requirement, at least according to the documents 224:15 we're looking at, until 2014 with respect to the big 224:16 national accounts; right?	DW03_Donald Walker Plaintiffs' Submission-281
224:19 - 224:22	Walker, Donald 01-10-2019 (00:00:10) 224:19 THE WITNESS: Again, as -- as the program 224:20 evolved and we identified additional information and 224:21 areas that we needed to focus, we modified our 224:22 program and our request for data.	DW03_Donald Walker Plaintiffs' Submission-281
225:9 - 225:16	Walker, Donald 01-10-2019 (00:00:23) 225:9 Q. Is that right, sir, eight years to 225:10 develop it? 225:11 A. It is eight years between 2006 and 225:12 2014. But it is not correct that DEA identified all 225:13 the issues and all the information that we have 225:14 discussed in terms of prescription data. And during 225:15 that time frame, prescription data resources and 225:16 capabilities increased significantly with technology.	DW03_Donald Walker Plaintiffs' Submission-282
225:17 - 226:6	Walker, Donald 01-10-2019 (00:00:44) 225:17 Q. You've said over and over that this 225:18 reliance upon the headquarters of the big national 225:19 chains was based upon the fact that they had their 225:20 own monitoring program, their own Controlled 225:21 Substance Monitoring Program; is that what I have 225:22 heard you say? 225:23 A. More accurately, they had better data 225:24 and regulatory oversight. We were never made privy 225:25 to the specifics of their programs. The chains 226:1 considered their data to be very proprietary and, as 226:2 a result, we reviewed it at a high level. 226:3 Q. They never told you -- you relied 226:4 upon the fact that they had their own Controlled 226:5 Substances Monitoring Program, but they didn't give	DW03_Donald Walker Plaintiffs' Submission-283

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226:9 - 226:13	226:6 you the detail of those programs ever; did they? Walker, Donald 01-10-2019 (00:00:12)	DW03_Donald Walker Plaintiffs' Submission-284
	226:9 THE WITNESS: To my knowledge, we never had 226:10 any detailed specifics from a chain on their -- on 226:11 their programs, due to their proprietary view of 226:12 their data.	
	226:13 BY MR. KENNEDY: Walker, Donald 01-10-2019 (00:00:26)	DW03_Donald Walker Plaintiffs' Submission-285
227:8 - 227:15	227:8 Q. Did Congress ever tell McKesson -- we 227:9 know what it enacted in 1970, the Controlled 227:10 Substances Act. But did they ever enact anything 227:11 thereafter that told McKesson, you can give 227:12 pharmacies in the big national accounts your proxy to 227:13 do your due diligence as it relates to Regulatory 227:14 Affairs over controlled substances? Did Congress 227:15 ever tell McKesson that?	
227:17 - 227:24	Walker, Donald 01-10-2019 (00:00:42) 227:17 THE WITNESS: The regulation required that 227:18 we operate a system to identify suspicious orders and 227:19 have systems to prevent the diversion of controlled 227:20 substances. We utilized the -- and the pharmacies 227:21 and the chains as a registrant had the same 227:22 responsibility. So we relied upon their 227:23 responsibility and their tools to assist us in 227:24 ensuring that we were complying.	DW03_Donald Walker Plaintiffs' Submission-286
229:6 - 229:8	Walker, Donald 01-10-2019 (00:00:06) 229:6 Q. But they would monitor the drugs they 229:7 were distributing, but they weren't monitoring the 229:8 drugs they were buying from you?	DW03_Donald Walker Plaintiffs' Submission-287
229:11 - 229:15	Walker, Donald 01-10-2019 (00:00:13) 229:11 THE WITNESS: Again, we utilized -- because 229:12 they had processes and systems and data in place, we 229:13 utilized strongly their resources to help us in 229:14 overseeing and managing the distribution of 229:15 controlled substances to their pharmacies.	DW03_Donald Walker Plaintiffs' Submission-288
229:17 - 229:25	Walker, Donald 01-10-2019 (00:00:21) 229:17 Q. You understand that the 229:18 responsibilities under the law for a pharmacy to 229:19 prevent a diversion is different than the 229:20 responsibilities under the law of a distributor?	DW03_Donald Walker Plaintiffs' Submission-289

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	229:21 They are different; correct? 229:22 A. I don't understand specifically the 229:23 regulations associated with pharmacy. I've never 229:24 reviewed them. But generally I understand that they 229:25 are different.	DW03_Donald Walker Plaintiffs' Submission-290
230:15 - 230:21	Walker, Donald 01-10-2019 (00:00:15) 230:15 Q. And you understand the regulation 230:16 gave a responsibility and a set of responsibilities 230:17 to the two different entities? Distributors, you've 230:18 got your jobs, and pharmacies, you have your job; 230:19 correct? 230:20 A. I understand the distributor 230:21 responsibilities.	DW03_Donald Walker Plaintiffs' Submission-291
231:10 - 231:11	Walker, Donald 01-10-2019 (00:00:02) 231:10 MR. KENNEDY: Let me show you Exhibit 674, 231:11 if I could.	DW03_Donald Walker Plaintiffs' Submission-291
231:15 - 231:15	Walker, Donald 01-10-2019 (00:00:06) 231:15 Q. This is Bates -507218 to -507220.	DW03_Donald Walker Plaintiffs' Submission-292
231:16 - 233:20	Walker, Donald 01-10-2019 (00:02:33) 231:16 This is an email from Michael Oriente, if you look at 231:17 the top. Who is Michael Oriente? 231:18 A. Michael Oriente was -- was and is the 231:19 Director of Regulatory Affairs for the East Region -- 231:20 Northeast Region. 231:21 Q. So a big responsibility. He's one of 231:22 four/six people; correct? 231:23 A. Yes, at that point in time. 231:24 Q. And at this point in time, he is also 231:25 responsible for managing and monitoring some of the 232:1 large national chains; true? 232:2 A. Yes. 232:3 Q. And this is April of 2011. And does 232:4 he state, "Dave" -- and he's sending an email to Dave 232:5 Gustin, who is another Regulatory Affairs person; 232:6 right? He's in the Midwest; right? 232:7 A. Yes. 232:8 Q. He also has some responsibility for 232:9 these big national chains; right? 232:10 A. Yes. 232:11 Q. And does he state, "Dave, can you ask	DW03_Donald Walker Plaintiffs' Submission-293

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232:12	RNA" -- and that's the regional national account	
232:13	portion of McKesson; right?	
232:14	A. Yes.	
232:15	Q. "Can you ask RNA to provide a contact	
232:16	person for each chain?"	
232:17	Does it look like he doesn't even know who	
232:18	to contact? He's a Director of Regulatory Affairs,	
232:19	he's managing certain big national accounts, and he's	
232:20	asking for the contact person at the chain; is he	
232:21	not? Is that what that says?	
232:22	"Can you ask RNA" -- a part of McKesson --	
232:23	"to provide a contact person for each chain?" Is	
232:24	that how he starts the email?	
232:25	A. Yes, it's what's written here.	
233:1	Q. And then does he say:	
233:2	(Reading) They could add it to our	
233:3	DRA, Director of Regulatory Affairs,	
233:4	RNA sheet that lists which of us has	
233:5	what chain and if any chain has a	
233:6	documented Controlled Substance	
233:7	Monitoring Program process that they	
233:8	could share with us so we could better	
233:9	understand what they are doing on	
233:10	their side for compliance (end of	
233:11	reading).	
233:12	Is that what he says?	
233:13	A. That's what's written.	
233:14	Q. So here's a Director of Regulatory	
233:15	Affairs that is monitoring large national chains, and	
233:16	number one, he doesn't even know who to contact at	
233:17	the national chains; and, number two, he's asking	
233:18	whether or not they even have a documented Controlled	
233:19	Substance Monitoring Program. Isn't that what he's	
233:20	asking?	
233:23 - 233:23	Walker, Donald 01-10-2019 (00:00:00)	DW03_Donald Walker Plaintiffs' Submission.294
233:23	Q. Right?	
234:2 - 234:4	Walker, Donald 01-10-2019 (00:00:04)	DW03_Donald Walker Plaintiffs' Submission.295
234:2	Q. Is that correct, sir?	
234:3	A. That's what is written here, is that	
234:4	request.	

DW03_Donald Walker Plaintiffs' Submission

Page/Line	Source	ID
234:9 - 234:12	Walker, Donald 01-10-2019 (00:00:05) 234:9 Q. He was in charge of Rite Aid for a 234:10 certain portion of time; do you know that? 234:11 A. I do recall he had responsibility for 234:12 Rite Aid.	DW03_Donald Walker Plaintiffs' Submission-294
234:22 - 235:2	Walker, Donald 01-10-2019 (00:00:15) 234:22 Q. So McKesson is relying upon these 234:23 large national chains to do their own monitoring, and 234:24 then the person at McKesson who is in charge of 234:25 various national chains doesn't even know who to 235:1 contact, doesn't even know if they have a documented 235:2 monitoring program; right?	DW03_Donald Walker Plaintiffs' Submission-297
235:5 - 235:5	Walker, Donald 01-10-2019 (00:00:01) 235:5 Q. Isn't that what this is saying to us?	DW03_Donald Walker Plaintiffs' Submission-298
235:7 - 235:21	Walker, Donald 01-10-2019 (00:00:40) 235:7 THE WITNESS: No, I don't think that's 235:8 accurate, as I read this. 235:9 What I understand it to mean is more of an 235:10 update of who the contact people are in the chains. 235:11 I mean, people move around in the chain headquarters 235:12 constantly. And he's simply, as I'm reading this, 235:13 was trying to determine whether there was other 235:14 information that we could use in our ongoing effort 235:15 to manage our controlled substance program. 235:16 BY MR. KENNEDY: 235:17 Q. Well, at this point in time -- maybe 235:18 there's been change, maybe people are moving around, 235:19 but this man, in charge of CVS and Rite Aid and 235:20 Costco and Krogers, he doesn't even know who to call; 235:21 right?	DW03_Donald Walker Plaintiffs' Submission-299
236:4 - 236:5	Walker, Donald 01-10-2019 (00:00:01) 236:4 Q. Isn't that what this is saying at 236:5 this moment in time?	DW03_Donald Walker Plaintiffs' Submission-300
236:6 - 236:8	Walker, Donald 01-10-2019 (00:00:04) 236:6 A. No, that's not accurate. I don't 236:7 believe that this is that at all. I think he is 236:8 ensuring that he has right information.	DW03_Donald Walker Plaintiffs' Submission-301
236:10 - 236:14	Walker, Donald 01-10-2019 (00:00:09) 236:10 Q. Would you agree with me that he's 236:11 asking, hey, do any of these chains actually have a	DW03_Donald Walker Plaintiffs' Submission-302

DW03_Donald Walker Plaintiffs' Submission

Page/Line	Source	ID
236:12 - 236:14	236:12 documented CSMP, Controlled Substance Monitoring 236:13 Program? Isn't he asking that? Could somebody tell 236:14 me?	DW03_Donald Walker Plaintiffs' Submission.303
236:18 - 236:21	Walker, Donald 01-10-2019 (00:00:07) 236:18 Q. Right? 236:19 A. Again, what is written is a request 236:20 if they have a documented CSMP process that they 236:21 could share.	DW03_Donald Walker Plaintiffs' Submission.303
249:2 - 249:9	Walker, Donald 01-10-2019 (00:00:25) 249:2 Q. All right. So when we looked back at 249:3 that email from Ms. Thomet, where she said that 249:4 McKesson was giving its proxy of due diligence to the 249:5 big national chains, you gave your proxy to big 249:6 national chains -- I just want to be clear, you gave 249:7 your proxies to big national chains without knowing 249:8 whether or not they had a Suspicious Order Monitoring 249:9 Program?	DW03_Donald Walker Plaintiffs' Submission.304
249:12 - 249:12	Walker, Donald 01-10-2019 (00:00:01) 249:12 Q. Is that your testimony, sir?	DW03_Donald Walker Plaintiffs' Submission.305
249:14 - 250:3	Walker, Donald 01-10-2019 (00:00:50) 249:14 THE WITNESS: What I can't answer is whether 249:15 or not we determined at the time that we interacted 249:16 with these national chains, at that point in time 249:17 whether they had a Suspicious Order Monitoring 249:18 Program in place or not. 249:19 BY MR. KENNEDY: 249:20 Q. You did not determine that? 249:21 A. At that point in time I don't believe 249:22 so. Or "I don't know," is my response. In 2008, we 249:23 were just rolling out CSMP, but I don't know whether 249:24 we asked every chain that question or not. 249:25 Q. In 2009 did you ask the chains -- 250:1 before you gave them your proxy on due diligence, did 250:2 you ask chains in 2009, such as CVS, whether or not 250:3 they had a Suspicious Order Monitoring Program?	DW03_Donald Walker Plaintiffs' Submission.306
250:6 - 250:8	Walker, Donald 01-10-2019 (00:00:05) 250:6 Q. In relation to outside orders, not 250:7 what they were distributing themselves, but what they 250:8 were getting from McKesson?	DW03_Donald Walker Plaintiffs' Submission.307
250:12 - 251:3	Walker, Donald 01-10-2019 (00:00:54)	DW03_Donald Walker Plaintiffs' Submission.308

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Page/Line	Source	ID
250:12 - 250:19	250:12 Q. Did you ask that in 2009? 250:13 A. I don't know. 250:14 Q. In 2010 did you ask the big chain 250:15 pharmacies, including CVS, whether or not they had a 250:16 Suspicious Order Monitoring Program that covers 250:17 orders that they placed with McKesson? Did you ask 250:18 them that in 2010? 250:19 A. I don't know.	
250:20 - 250:24	250:20 Q. In 2011 did you ask the big national 250:21 chains, including CVS, whether or not they had 250:22 Suspicious Order Monitoring Programs in relation to 250:23 opioids that they were purchasing from McKesson? 250:24 A. I do not know.	
250:25 - 251:3	250:25 Q. And, sir, you were -- you were in 251:1 charge of all the regulatory during this period, were 251:2 you not, 2010, 2011, and 2012? You were in charge -- 251:3 A. Yes.	
251:11 - 251:20	Walker, Donald 01-10-2019 (00:00:22) 251:11 Q. You do not know whether you even 251:12 asked them whether or not they had a Suspicious Order 251:13 Monitoring Program? You don't know? 251:14 A. I do not know whether we asked that 251:15 question. 251:16 Q. What about 2013? In 2013 did you 251:17 ever ask any of the big chains, anybody at McKesson 251:18 ever ask any of the big national chains, including 251:19 CVS, whether or not they had a Suspicious Order 251:20 Monitoring Program?	DW03_Donald Walker Plaintiffs' Submission.303
251:23 - 251:23	Walker, Donald 01-10-2019 (00:00:01) 251:23 THE WITNESS: I do not know.	DW03_Donald Walker Plaintiffs' Submission.310
302:10 - 302:11	Walker, Donald 01-10-2019 (00:00:04) 302:10 Q. Was that required of McKesson in 302:11 2007, do not ship until we do our due diligence?	DW03_Donald Walker Plaintiffs' Submission.311
302:13 - 302:21	Walker, Donald 01-10-2019 (00:00:22) 302:13 THE WITNESS: There is no regulatory 302:14 requirement to not ship. There is a regulatory 302:15 requirement to report. 302:16 BY MR. KENNEDY: 302:17 Q. All right. And did the DEA tell you 302:18 in 2006 that you are required not to ship until you	DW03_Donald Walker Plaintiffs' Submission.312

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Page/Line	Source	ID
302:25 - 303:6	<p>302:19 do your due diligence on a potentially suspicious 302:20 order? Did they tell you that in '06 in a letter to 302:21 McKesson?</p> <p>Walker, Donald 01-10-2019 (00:00:30)</p> <p>302:25 Q. Did they tell you that in '06 in a 303:1 letter to McKesson?</p> <p>303:2 A. In 2006 their guidance and direction 303:3 was, do not ship. And the requirement is at the 303:4 point that we determine an order to be suspicious.</p> <p>303:5 Q. Does your CSMP that you put in place 303:6 in 2008 say, do not ship --</p>	DW03_Donald Walker Plaintiffs' Submission.313
303:9 - 303:10	<p>Walker, Donald 01-10-2019 (00:00:06)</p> <p>303:9 Q. -- until we have done our due 303:10 diligence? Does your own CSMP say that in 2008?</p>	DW03_Donald Walker Plaintiffs' Submission.314
303:12 - 303:15	<p>Walker, Donald 01-10-2019 (00:00:13)</p> <p>303:12 THE WITNESS: Our CSMP blocks the order. We 303:13 conduct the due diligence. But at the point we 303:14 determine that order to be suspicious, is at the 303:15 point where we need to report to the DEA.</p>	DW03_Donald Walker Plaintiffs' Submission.315
335:19 - 336:10	<p>Walker, Donald 01-10-2019 (00:01:09)</p> <p>335:19 Q. Now, also built right into your 335:20 program for the salespeople, you told us -- we've 335:21 established this -- that if a pharmacy would order 335:22 over their threshold, then there would be a Level 1 335:23 Review or investigation; correct?</p> <p>335:24 A. Yes, as part of the review process, 335:25 there would be a Level 1 Review.</p> <p>336:1 Q. And your program had salespeople 336:2 doing the Level 1 Review of the pharmacies; correct?</p> <p>336:3 A. Again, we would -- we would utilize 336:4 the sales force to help us understand and gain 336:5 information as to why the increase or the threshold 336:6 was -- was exceeded. And but at no time was the 336:7 sales force authorized to approve a threshold 336:8 increase. The information was reviewed by the DRAs.</p> <p>336:9 They were the sole responsible parties to increase 336:10 thresholds.</p>	DW03_Donald Walker Plaintiffs' Submission.316
336:11 - 336:16	<p>Walker, Donald 01-10-2019 (00:00:14)</p> <p>336:11 Q. I'm not talking about threshold 336:12 increases. I'm talking about Level 1 investigations</p>	DW03_Donald Walker Plaintiffs' Submission.317

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336:13 - 337:2	336:13 into a potential suspicious order because a customer 336:14 has ordered over their threshold. You had 336:15 salespeople doing those reviews and investigations; 336:16 did you not, sir?	DW03_Donald Walker Plaintiffs' Submission-316
	Walker, Donald 01-10-2019 (00:00:25)	
	336:19 THE WITNESS: The sales force was used not 336:20 exclusively. But the sales force was used to help in 336:21 the Level 1 Review.	
	336:22 BY MR. KENNEDY:	
	336:23 Q. That was a national practice; was it 336:24 not? National practice?	
	336:25 A. I don't have the specifics. But 337:1 generally I believe it took place across all of our 337:2 regions.	
337:3 - 337:7	Walker, Donald 01-10-2019 (00:00:08)	DW03_Donald Walker Plaintiffs' Submission-319
	337:3 Q. And the salespeople didn't want to 337:4 investigate their own customers, because if they 337:5 investigated their customer, the pharmacy may turn 337:6 them in to DEA, then McKesson wasn't going to sell to 337:7 them anymore; right?	
337:11 - 337:11	Walker, Donald 01-10-2019 (00:00:01)	DW03_Donald Walker Plaintiffs' Submission-320
337:11 - 337:11	337:11 Q. And the salespeople knew that;	DW03_Donald Walker Plaintiffs' Submission-321
	Walker, Donald 01-10-2019 (00:00:00)	
	337:11 Q. right?	
337:16 - 337:24	Walker, Donald 01-10-2019 (00:00:16)	DW03_Donald Walker Plaintiffs' Submission-322
	337:16 THE WITNESS: I wouldn't agree with that 337:17 statement. The salespeople were very diligent in 337:18 their process and, quite frankly, reported a lot of 337:19 pharmacies to us that they chose not to sign up for 337:20 controlled substances.	
	337:21 BY MR. KENNEDY:	
	337:22 Q. You say "they" reported a lot of 337:23 pharmacies to you. The salespeople did?	
	337:24 A. Yes.	
339:21 - 339:22	Walker, Donald 01-10-2019 (00:00:02)	DW03_Donald Walker Plaintiffs' Submission-323
	339:21 732, please.	
	339:22 (Exhibit No. 732 was marked.)	
339:23 - 341:3	Walker, Donald 01-10-2019 (00:01:20)	DW03_Donald Walker Plaintiffs' Submission-324
	339:23 BY MR. KENNEDY:	
	339:24 Q. Do you see this email? This is from	

DW03_Donald Walker Plaintiffs' Submission

Page/Line	Source	ID
	339:25 you dated 9-17-13; do you see that?	
340:1	A. Yes.	
340:2	Q. And the next page says, "Controlled	
340:3	Substances Regulatory Org Structure." Do you see	
340:4	that?	
340:5	A. Yes.	
340:6	Q. This is created by you?	
340:7	A. Yes.	
340:8	Q. And this is 2013. And if you go to	
340:9	340 page -500. Do you see that? Look at the second	
340:10	bullet point. Do you see that second bullet point?	
340:11	A. Yes.	
340:12	Q. In 2013 you write:	
340:13	(Reading) Prior Controlled Substances	
340:14	Monitoring Program process heavily	
340:15	dependent on sales and op (end of	
340:16	reading).	
340:17	Do you see that?	
340:18	A. Yes.	
340:19	Q. And underneath it do you write,	
340:20	"Inconsistent, competency, and conflict of	
340:21	objectives"? Is that what you wrote in 2013, five	
340:22	years into the program?	
340:23	A. I don't recall specifically creating	
340:24	this document, but that's what the document states.	
340:25	Q. And in 2013 you, as the boss of all	
341:1	341 of Regulatory, after five years you took sales out of	
341:2	the middle of the monitoring program; didn't you,	
341:3	sir?	
341:5 - 341:12	Walker, Donald 01-10-2019 (00:00:16)	DW03_Donald Walker Plaintiffs' Submission-325
341:5	THE WITNESS: Again, I don't recall	
341:6	specifically. But I know that we modified our	
341:7	go-forward processes.	
341:8	BY MR. KENNEDY:	
341:9	Q. And, sir, over and above these	
341:10	341 salespeople that we're talking about, you had -- you	
341:11	had marketing people at McKesson; did you not? We	
341:12	have talked about them.	
341:16 - 341:23	Walker, Donald 01-10-2019 (00:00:12)	DW03_Donald Walker Plaintiffs' Submission-326
341:16	Q. There were marketing people at	

DW03_Donald Walker Plaintiffs' Submission

Page/Line	Source	ID
	341:17 McKesson; were there not? 341:18 A. Yes, there was a marketing 341:19 department. 341:20 Q. And while you were trying to control 341:21 the flow of opioids into the communities and the 341:22 pharmacy, the marketing people were trying to sell 341:23 more opioids; were they not?	
342:1 - 342:3	Walker, Donald 01-10-2019 (00:00:03)	DW03_Donald Walker Plaintiffs' Submission.327
	342:1 THE WITNESS: No, that's not accurate. 342:2 MR. KENNEDY: 720. 342:3 (Exhibit No. 720 was marked.)	
342:4 - 342:7	Walker, Donald 01-10-2019 (00:00:09)	DW03_Donald Walker Plaintiffs' Submission.328
	342:4 BY MR. KENNEDY: 342:5 Q. The first email in time is number one 342:6 at the bottom. That's where it starts in time. 342:7 -543462 to -63.	
342:8 - 342:17	Walker, Donald 01-10-2019 (00:00:23)	DW03_Donald Walker Plaintiffs' Submission.329
	342:8 This is an email from Scott Mooney, and this 342:9 is to you, January 16 of 2008, importance high. It 342:10 states: 342:11 (Reading) Don, have you seen this one? 342:12 Special dating and a buy-in on 342:13 oxycodone? It will probably hit the 342:14 limits across the network in the 342:15 Volakas report (end of reading). 342:16 Is that what he states? 342:17 A. Yes.	
342:18 - 342:24	Walker, Donald 01-10-2019 (00:00:18)	DW03_Donald Walker Plaintiffs' Submission.330
	342:18 Q. And do you respond: 342:19 (Reading) Given our challenges with 342:20 DEA, I would -- I would like to review 342:21 with you how we manage these types of 342:22 promos going forward (end of reading)? 342:23 So McKesson is running a promotion on 342:24 oxycodone; correct?	
343:3 - 343:3	Walker, Donald 01-10-2019 (00:00:04)	DW03_Donald Walker Plaintiffs' Submission.331
343:5 - 343:14	343:3 Q. Correct? You call it a promo? Walker, Donald 01-10-2019 (00:00:33)	DW03_Donald Walker Plaintiffs' Submission.332
	343:5 THE WITNESS: Just a second, Counsel. Let 343:6 me answer that.	

DW03_Donald Walker Plaintiffs' Submission

Page/Line	Source	ID
	<p>343:7 We were not -- what we were offering -- and 343:8 make sure you understand how the industry works. We 343:9 were offering to our customers the -- what was being 343:10 offered to us through the manufacturers was dating on 343:11 oxycodone. We did not promote or push oxycodone, nor 343:12 do we make any adjustments on thresholds to any 343:13 customers on the purchases of oxycodone in any of 343:14 these promotions.</p>	
343:16 - 344:15	<p>Walker, Donald 01-10-2019 (00:01:12)</p> <p>343:16 Q. Do you call this a promo? I'm just 343:17 asking, did you use the word "promo"?</p> <p>343:18 A. I used the word "promo."</p> <p>343:19 Q. And up top do you send an email to 343:20 Greg Yonko and say:</p> <p>343:21 (Reading) Easy, big fella. I know 343:22 it's been standard and your group does 343:23 need to be involved. That is why I am 343:24 suggesting we talk about it. DEA 343:25 views the industry as doing anything 344:1 for money and does not understand why 344:2 we would "promote" controlled 344:3 substances. No immediate changes are 344:4 planned, but we do need to think 344:5 through how we handle promos on 344:6 controls especially lifestyle drugs 344:7 like oxycodone. Talk with you soon 344:8 (end of reading)?</p> <p>344:9 Was that your response, sir, in 2008?</p> <p>344:10 A. That is what is written.</p> <p>344:11 Q. Now I want to go to two months later.</p> <p>344:12 Tell the jury what fentanyl is?</p> <p>344:13 A. Fentanyl is a Schedule 2 narcotic.</p> <p>344:14 Q. And is it the most powerful,</p> <p>344:15 dangerous of all the narcotics you sell?</p> <p>Walker, Donald 01-10-2019 (00:00:42)</p> <p>344:19 Q. Is that true, sir?</p> <p>344:20 A. I do not know. I know it's a very 344:21 powerful pain control narcotic.</p> <p>344:22 MR. KENNEDY: 714.</p> <p>344:23 (Exhibit No. 714 was marked.)</p>	DW03_Donald Walker Plaintiffs' Submission.333
344:19 - 345:8		DW03_Donald Walker Plaintiffs' Submission.334

DW03_Donald Walker Plaintiffs' Submission

Page/Line	Source	ID
	344:24 BY MR. KENNEDY: 344:25 Q. There's an email down at the bottom. 345:1 Kenneth Ball. And this is two years after you're 345:2 saying we've got to discuss promos. And he states: 345:3 (Reading) Subject: Fentanyl checks. 345:4 The promotion ran from 6-22 to 7-31 345:5 and was a free item promotion per the 345:6 terms below (end of reading). 345:7 He's talking in 2010 about a buy one, get 345:8 one free on fentanyl; correct?	
345:11 - 345:11	Walker, Donald 01-10-2019 (00:00:01)	DW03_Donald Walker Plaintiffs' Submission-325
	345:11 Q. Is that what he's talking about?	
345:14 - 346:2	Walker, Donald 01-10-2019 (00:00:43)	DW03_Donald Walker Plaintiffs' Submission-326
	345:14 THE WITNESS: I don't -- I'm not sure. I 345:15 don't understand the promotion that's being referred 345:16 to here. I can only see what he's written. 345:17 BY MR. KENNEDY: 345:18 Q. Up above it says "free item"; right? 345:19 Free item promotion on fentanyl; correct? Free item 345:20 promotion; correct, sir? Is that what it says? 345:21 A. Hang on. Hang on just a minute, 345:22 Counsel. I'm trying to catch up with you. 345:23 Okay. Yes, I see that. 345:24 Q. And up above, in addition to the buy 345:25 one, get one free, you also sent checks out to 346:1 pharmacies if they bought fentanyl pursuant to this 346:2 promotion?	
346:6 - 346:7	Walker, Donald 01-10-2019 (00:00:02)	DW03_Donald Walker Plaintiffs' Submission-327
	346:6 Q. Well, look right above. He's talking 346:7 about checks.	
346:9 - 346:14	Walker, Donald 01-10-2019 (00:00:09)	DW03_Donald Walker Plaintiffs' Submission-328
	346:9 THE WITNESS: I think to clarify what he 346:10 said is -- is rebates, which would be more like off 346:11 invoice, but -- 346:12 BY MR. KENNEDY: 346:13 Q. Well, rebate is money; isn't it? And 346:14 he says "checks"; does he not?	
346:16 - 347:2	Walker, Donald 01-10-2019 (00:00:20)	DW03_Donald Walker Plaintiffs' Submission-329
	346:16 THE WITNESS: I may be missing it, but I 346:17 don't see "checks." But --	

DW03_Donald Walker Plaintiffs' Submission

Page/Line	Source	ID
	346:18 BY MR. KENNEDY: 346:19 Q. "Subject: Fentanyl Checks." Do you 346:20 see that? 346:21 A. Okay. Under the subject, yes. I 346:22 didn't see that in the body. 346:23 Q. This is two years after you're 346:24 telling the marketing people, we have got to talk 346:25 about promotions; right? This is now 2010; true? Is 347:1 that the date of the email? 347:2 A. That's correct.	DW03_Donald Walker Plaintiffs' Submission-340
347:3 - 347:7	Walker, Donald 01-10-2019 (00:00:12) 347:3 Q. Let's look to 2012, two years later, 347:4 two years after that 7-19. 347:5 A. Again, Counsel, we would not have 347:6 changed any thresholds on any of our customers in 347:7 support of any promotions.	DW03_Donald Walker Plaintiffs' Submission-341
347:8 - 347:10	Walker, Donald 01-10-2019 (00:00:07) 347:8 Q. Mr. Walker, you got fined 347:9 \$150 million in 2018 for changing thresholds; didn't 347:10 you?	DW03_Donald Walker Plaintiffs' Submission-341
347:14 - 347:17	Walker, Donald 01-10-2019 (00:00:14) 347:14 Q. Is that true? Did you get fined 347:15 \$150 million in 2018, McKesson? 347:16 A. I wasn't with McKesson at the time. 347:17 I understand that McKesson paid \$150 million.	DW03_Donald Walker Plaintiffs' Submission-342
347:20 - 347:22	Walker, Donald 01-10-2019 (00:00:06) 347:20 Q. Let's go to 719. We're still on 347:21 promotions. This is two years after the fentanyl 347:22 promotion. This is now 2012. And look -- I want to	DW03_Donald Walker Plaintiffs' Submission-343
347:23 - 347:23	Walker, Donald 01-10-2019 (00:00:09) 347:23 start on page -22. This is -539021 to -23. 719.	DW03_Donald Walker Plaintiffs' Submission-344
347:24 - 349:11	Walker, Donald 01-10-2019 (00:01:19) 347:24 And do you see on -22, the subject, "Lower 347:25 Priced Oxycodone has been Released"? Do you see 348:1 that? 348:2 A. Yes. 348:3 Q. And does it say, "McKesson OneStop 348:4 Generics Campaign has been launched"? And then it 348:5 states: 348:6 (Reading) Contact customers showing	DW03_Donald Walker Plaintiffs' Submission-345

DW03_Donald Walker Plaintiffs' Submission

Page/Line	Source	ID
	348:7 purchase history of Mallinckrodt 348:8 Oxycodone to highlight the 348:9 availability of lower-priced oxycodone 348:10 items (end of reading). 348:11 Did I read that correctly? 348:12 A. Yes. 348:13 Q. And going to the next page, -21. And 348:14 this is now Mark Odom, with response to this 348:15 lower-price oxycodone. Does he email and say: 348:16 (Reading) Are you kidding me!! We are 348:17 auto shipping oxy, exclamation, 348:18 exclamation, exclamation (end of 348:19 reading)? 348:20 Do you see that? 348:21 A. I see that. 348:22 Q. And then email up above says: 348:23 (Reading) What's going on? Surely we 348:24 are not promoting Oxy on special (end 348:25 of reading). 349:1 Do you see that email? 349:2 A. Yes, I do. 349:3 Q. And then you state: 349:4 (Reading) We agreed to offer the lower 349:5 price but are not changing any 349:6 thresholds (end of reading). 349:7 Is that what you responded? 349:8 A. Exactly my response. 349:9 Q. Now, this is 2012. This is four 349:10 years after you said to marketing, we have got to 349:11 discuss the promotions; right? 349:14 - 349:14 Walker, Donald 01-10-2019 (00:00:01)	DW03_Donald Walker Plaintiffs' Submission-346
350:6 - 350:6	349:14 THE WITNESS: Yes. Walker, Donald 01-10-2019 (00:00:02)	DW03_Donald Walker Plaintiffs' Submission-347
350:7 - 350:7	350:6 Q. Let's go to the next. It's 2013. Walker, Donald 01-10-2019 (00:00:05)	DW03_Donald Walker Plaintiffs' Submission-348
350:10 - 350:10	350:7 This is now a year after the Oxycontin promotion? Walker, Donald 01-10-2019 (00:00:01)	DW03_Donald Walker Plaintiffs' Submission-349
350:11 - 351:13	350:10 MR. KENNEDY: 721. Walker, Donald 01-10-2019 (00:01:23)	DW03_Donald Walker Plaintiffs' Submission-350
	350:11 Q. Down below, November 7, 2013, "SMS	

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	<p>350:12 Analytics Group, Dale Harris." And the subject is, 350:13 "Campaign Mallinckrodt Hydrocodone has been 350:14 Released!" 350:15 Dale Harris, it states: 350:16 (Reading) McKesson OneStop Generics 350:17 Campaign, hydrocodone has been 350:18 launched. The campaign will be 350:19 effective from 11-8-13 to 11-15-13. 350:20 Inform ISMC customers with purchase of 350:21 Watson hydrocodone of the savings on 350:22 Mallinckrodt hydrocodone (end of 350:23 reading). 350:24 Do you see that? And then up above that, 350:25 does Dale Harris send an email from McKesson, 351:1 stating: 351:2 (Reading) Thought you might want to 351:3 see that we're pushing hydrocodone 351:4 with ISMC calls again (end of 351:5 reading)? 351:6 And that is the independent small, medium 351:7 chains; right? Did I read that right? 351:8 A. The ISM. 351:9 Q. And then up above does Tom Smith -- 351:10 who is Tom Smith? 351:11 A. Tom was the head of sales or general 351:12 manager. General Manager with our Birmingham 351:13 facility.</p> <p>351:14 - 351:18 Walker, Donald 01-10-2019 (00:00:12)</p> <p>351:14 Q. And does he say, "This is silly"?</p> <p>351:15 A. That's what's written.</p> <p>351:16 Q. Sir, this is 2013 when he says, "This 351:17 is silly"; correct?</p> <p>351:18 A. That's what's written.</p> <p>351:19 - 352:13 Walker, Donald 01-10-2019 (00:01:01)</p> <p>351:19 Q. It's more than silly in 2013, isn't 351:20 it? Running a promotion pushing hydrocodone on 351:21 pharmacies, it's more than silly; isn't it? Could we 351:22 agree that that --</p> <p>351:23 A. No, I don't agree because it's a 351:24 mischaracterization of what -- of the promo -- or as</p>	
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	351:25 you call it, a promo. 352:1 These were opportunities for pharmacies to 352:2 obtain product at a reduced price. It didn't change 352:3 the threshold. It was simply to provide them an 352:4 opportunity to provide legitimate medications to 352:5 customers at a lower price. 352:6 Q. At this point in time, when he says 352:7 "This is silly," what -- strike that for a second. 352:8 You described this as a legitimate way to 352:9 get more hydrocodone to pharmacies. Tom Smith -- 352:10 A. No. 352:11 Q. -- doesn't agree this is a legitimate 352:12 way to get more hydrocodone. He says it's silly; 352:13 right? 352:15 - 352:22 Walker, Donald 01-10-2019 (00:00:20)	DW03_Donald Walker Plaintiffs' Submission-323
352:24 - 353:9	352:15 THE WITNESS: Counsel, you asked me two 352:16 questions. 352:17 The first question, no, this was not an 352:18 opportunity to get more hydrocodone to pharmacies. 352:19 This was an opportunity for pharmacies to purchase 352:20 the hydrocodone that they required, and we monitored, 352:21 at a price that was reduced to give them an 352:22 opportunity from a business standpoint. Walker, Donald 01-10-2019 (00:00:25)	DW03_Donald Walker Plaintiffs' Submission-324
353:15 - 353:18	352:24 Q. Well, you've got one McKesson 352:25 employee who says, you're pushing hydrocodone. You 353:1 have another one saying, silly. Do you disagree with 353:2 them? 353:3 A. I see what his -- what is written. I 353:4 don't agree with "pushing" hydrocodone. 353:5 Q. Do you know how many people 353:6 hydrocodone was killing a year at the time of this -- 353:7 of this promotion in 2013? Do you know that? 353:8 A. No, I don't have any specific 353:9 information on that. Walker, Donald 01-10-2019 (00:00:09)	DW03_Donald Walker Plaintiffs' Submission-325
	353:15 And since 2013, five years ago, you said you want to 353:16 talk to the marketing people about promotions; right? 353:17 You said that five years ago, I want to talk to them 353:18 about promotions; remember?	

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353:21 - 354:4	Walker, Donald 01-10-2019 (00:00:29) 353:21 THE WITNESS: In my prior email we reviewed, 353:22 I indicated to Mr. Yanko that we would have a 353:23 conversation around promotional incentives with 353:24 certain controlled substances. I did. 353:25 We clarified very clearly at that time that 354:1 we were not going to make any regulatory adjustments 354:2 regarding thresholds. And our customers could take 354:3 advantage of the pricing but could not change their 354:4 threshold as a result of promotion.	DW03_Donald Walker Plaintiffs' Submission.354
365:12 - 365:22	Walker, Donald 01-10-2019 (00:00:42) 365:12 Q. You mentioned that Mr. Rannazzisi, or 365:13 DEA, expressed that the DU45 report was inadequate. 365:14 What -- what was the issue that DEA raised with the 365:15 DU45 report? 365:16 A. I think it was -- as I -- as I 365:17 interpreted the discussion, it was really a matter of 365:18 just the volume -- he used the term "excessive order 365:19 report," and that the volume of data was -- was not 365:20 usable, you know, to DEA. And it was just -- didn't 365:21 view it as a valuable report to -- you know that they 365:22 could use to follow up on.	DW03_Donald Walker Plaintiffs' Submission.357
366:11 - 366:21	Walker, Donald 01-10-2019 (00:00:36) 366:11 Q. So you've described a message that 366:12 once deemed suspicious, an order should not be 366:13 shipped. And you've described a message that, I 366:14 think you said, a customer should not receive any 366:15 order of controlled substances if an order placed is 366:16 deemed suspicious? 366:17 A. No. If we -- if we deem that 366:18 customer to have a suspicious pattern of orders or a 366:19 business model that was suspicious, then we should 366:20 cease selling controlled substances to them 366:21 altogether.	DW03_Donald Walker Plaintiffs' Submission.358
368:13 - 368:21	Walker, Donald 01-10-2019 (00:00:37) 368:13 MS. HENN: I'd like to show you an exhibit. 368:14 Let's get this marked as 84. 368:15 THE REPORTER: 804. 368:16 MS. HENN: 804. Thank you. 368:17 (Exhibit No. 804 was marked.)	DW03_Donald Walker Plaintiffs' Submission.361

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	368:18 BY MS. HENN: 368:19 Q. Mr. Walker, the court reporter handed 368:20 you an Exhibit No. -- that's been marked 804. The 368:21 Bates number is -571361 through -65.	DW03_Donald Walker Plaintiffs' Submission-359
406:21 - 407:3	Walker, Donald 01-10-2019 (00:00:29) 406:21 Q. Mr. Walker, from 2008, when the CSMP 406:22 was put into place, to 2012, do you know how many 406:23 Suspicious Order Reports about customers were 406:24 reported to the DEA by McKesson? 406:25 A. My recollection is that we were 407:1 somewhere in the area of 35 to 40 different 407:2 pharmacies that we reported and generated suspicious 407:3 order reporting to DEA.	DW03_Donald Walker Plaintiffs' Submission-360
407:4 - 407:15	Walker, Donald 01-10-2019 (00:00:41) 407:4 Q. Did you do any analysis to total that 407:5 number? 407:6 A. We did -- we did tally up the -- and 407:7 provide a report. 407:8 And the report only reflected, you know, 407:9 what we report at the DEA. What is not and was not 407:10 reported, because it was not a requirement to report 407:11 or tallied, was the number of pharmacies that we 407:12 elected not to do business with during our initial 407:13 due diligence of a potential new customer. And that 407:14 number of pharmacies was significantly higher than 407:15 the 40 that we reported to the DEA.	DW03_Donald Walker Plaintiffs' Submission-361
411:25 - 412:3	Walker, Donald 01-10-2019 (00:00:09) 411:25 Q. All right. And you -- actually, I 412:1 think you read a footnote on page -1362 of the letter 412:2 written to the DEA. Do you remember reading that 412:3 footnote?	DW03_Donald Walker Plaintiffs' Submission-362
412:6 - 413:7	Walker, Donald 01-10-2019 (00:01:39) 412:6 Q. Sir, do you remember reading that 412:7 footnote? 412:8 A. Counselor, I remember describing the 412:9 content of the footnote. I don't remember that -- I 412:10 don't recall that I read it specifically. I just 412:11 want to be clear. 412:12 Q. All right. This -- this footnote 412:13 basically outlines an explanation from McKesson as to	DW03_Donald Walker Plaintiffs' Submission-361

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	412:14 why it filled an order of 99,000 doses to United 412:15 Prescription Services on October 21, 2005; is that 412:16 what that footnote talks about? 412:17 A. Yes, that's what's written there. 412:18 Q. And McKesson's excuse and explanation 412:19 to the DEA was that there was a hurricane, Hurricane 412:20 Wilma, and that's why we sent 99,000 doses to United 412:21 Prescription; right? Is that what that says? 412:22 A. That's what is noted, yes. 412:23 Q. And my question is, if this is 412:24 McKesson's explanation to the DEA with respect to 412:25 99,000 dosages, what was McKesson's explanation for 413:1 the other seven million dosages that the DEA was 413:2 unhappy about? The other seven million, what was 413:3 their explanation on those? 413:4 A. I don't recall that there was any -- 413:5 any specific response that McKesson provided 413:6 regarding any other dosages or shipments that the DEA 413:7 covered.	
414:6 - 414:9	Walker, Donald 01-10-2019 (00:00:12)	DW03_Donald Walker Plaintiffs' Submission-383
	414:6 Q. My question is, you sent the DEA a 414:7 letter explaining that it was a hurricane that caused 414:8 you to send 99,000. What was McKesson's explanation 414:9 to the DEA about the other seven million?	
414:11 - 414:15	Walker, Donald 01-10-2019 (00:00:25)	DW03_Donald Walker Plaintiffs' Submission-382
	414:11 THE WITNESS: Counsel, I don't believe that 414:12 we made any specific response on any other quantity 414:13 allegations. I do note that the letter from 414:14 Mr. Julian to Mr. Rannazzisi was in October of -- 414:15 where's the letter just real quick?	
414:17 - 414:25	Walker, Donald 01-10-2019 (00:00:31)	DW03_Donald Walker Plaintiffs' Submission-384
	414:17 THE WITNESS: Was in January of '06. So 414:18 what I'm not -- don't recall is what information we 414:19 had at hand in terms of the number of doses that the 414:20 DEA was alleging at that time. 414:21 BY MR. KENNEDY: 414:22 Q. Well, my question is, why did you -- 414:23 why did you show us an explanation for 99,000 when, 414:24 in fact, the alleged conduct involved over seven 414:25 million dosages?	

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415:4 - 415:16	<p>Walker, Donald 01-10-2019 (00:00:37)</p> <p>415:4 THE WITNESS: It's really two different -- 415:5 in my view, it's two different pieces of information. 415:6 The letter is in direct response to items 415:7 that were outlined as -- as we understood them in the 415:8 January '06 meeting. The settlement and the 415:9 allegations in the settlement, to my recollection, 415:10 not all of those were shared with us during the 415:11 course of the meeting that we had with 415:12 Mr. Rannazzisi. 415:13 So the best way I can answer the question is 415:14 this is a direct response to Mr. Rannazzisi around 415:15 the issues that he personally raised in that January 415:16 '06 meeting.</p>	DW03_Donald Walker Plaintiffs' Submission 365
415:18 - 415:21	<p>Walker, Donald 01-10-2019 (00:00:10)</p> <p>415:18 Q. All right. We're sitting here today, 415:19 now it's way, way later. Tell me the explanation 415:20 that was provided for the other seven million 415:21 dosages, other than 99,000? What was provided?</p>	DW03_Donald Walker Plaintiffs' Submission 362
415:23 - 418:11	<p>Walker, Donald 01-10-2019 (00:03:08)</p> <p>415:23 THE WITNESS: Counsel, I do not believe -- 415:24 as I stated, I don't believe that we had any other 415:25 specific response to DEA.</p> <p>416:1 BY MR. KENNEDY:</p> <p>416:2 Q. Between 2000 and 2005, you said you 416:3 were out of Regulatory for that period of time, and 416:4 what was your job?</p> <p>416:5 A. I was -- I can't remember my specific 416:6 title, but I was the Senior Vice President overseeing 416:7 Six Sigma.</p> <p>416:8 Q. And what did that involve? Did that 416:9 involve regulation of controlled substances?</p> <p>416:10 A. Not at all.</p> <p>416:11 Q. Not at all.</p> <p>416:12 How many meetings with the DEA did you go to 416:13 between 2000 and 2005?</p> <p>416:14 A. None.</p> <p>416:15 Q. How many DEA seminars did you go to 416:16 between 2000 and 2005?</p> <p>416:17 A. None that I remember.</p>	DW03_Donald Walker Plaintiffs' Submission 363

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416:18	Q. How many regulatory meetings did you	
416:19	go to at McKesson between 2000 and 2005 with respect	
416:20	to controlled substances?	
416:21	A. I don't recall going to any.	
416:22	Q. So when you said that in January of	
416:23	2006 this was the first time that Mr. Rannazzisi of	
416:24	the DEA made certain representations to you with	
416:25	respect to the responsibilities, you had not been	
417:1	involved with Regulatory for five years; is that	
417:2	correct?	
417:3	A. I had not been directly involved with	
417:4	Regulatory during that time frame.	
417:5	Q. Now, there was a lot of time spent in	
417:6	your questioning about a meeting that you had with	
417:7	the DEA in July of 2008. Do you remember all those	
417:8	questions about a meeting with the DEA and the	
417:9	presentations that you made to the DEA and McKesson	
417:10	made to the DEA with respect to its 2008 Controlled	
417:11	Substances Monitoring Program? Do you recall all	
417:12	those questions?	
417:13	A. Yes.	
417:14	Q. And I think you went through great	
417:15	details. We told the DEA we're going to do this. We	
417:16	told them the monitoring program would include this.	
417:17	And this was all about the program that you were	
417:18	going to implement in 2008; correct?	
417:19	A. Yes, it was about the program that we	
417:20	were implementing.	
417:21	Q. And I wrote it down. I think you	
417:22	said that by their body language, you thought that	
417:23	the DEA was satisfied with the monitoring program	
417:24	that you were going to implement in 2008; correct?	
417:25	Do you remember saying that?	
418:1	A. I believe that was my testimony.	
418:2	Q. Well, let me -- let me ask you: Your	
418:3	monitoring program, the McKesson monitoring program	
418:4	that you outlined for the DEA at that meeting in	
418:5	2008, could we agree that that monitoring program	
418:6	isn't going to be of any use unless you follow it;	
418:7	right?	

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418:8 - 419:3	<p>418:8 A. I would agree that it was certainly 418:9 our intent and our commitment that we would execute 418:10 our Controlled Substance Monitoring Program and 418:11 explained that to DEA.</p>	DW03_Donald Walker Plaintiffs' Submission-364
418:12 - 419:3	<p>Walker, Donald 01-10-2019 (00:01:01)</p> <p>418:12 Q. And can we agree, just 418:13 because you write a monitoring program on paper, put 418:14 it into a heading of, this is our Controlled 418:15 Substances Monitoring Program and show it to the DEA, 418:16 just because it's on the paper doesn't mean it's 418:17 going to be effective or work unless you follow it; 418:18 right? You've got to follow it?</p> <p>418:19 A. The monitoring program that we 418:20 presented, we applied and we followed.</p> <p>418:21 Q. Sir, would you answer my question, 418:22 please. The monitoring program you put on paper is 418:23 of no effect, it's no good to anybody unless you 418:24 follow it; is that true?</p> <p>418:25 A. I wouldn't agree with that statement.</p> <p>419:1 Clearly, the monitoring program that we put in place, 419:2 we executed against and continued to provide the 419:3 regulatory recite of controlled substances.</p>	DW03_Donald Walker Plaintiffs' Submission-364
419:13 - 420:3	<p>Walker, Donald 01-10-2019 (00:00:53)</p> <p>419:13 Q. Mr. Walker, we were talking about the 419:14 representations that you made to the DEA with respect 419:15 to the monitoring program that you were going to put 419:16 into place in 2008. And I asked you, if you -- could 419:17 you agree that putting a monitoring program on paper 419:18 and representing to the DEA at your meeting with the 419:19 DEA back in 2008 -- representing to them everything 419:20 that you were going to do in this written monitoring 419:21 program, can we agree that that does no one any good, 419:22 it doesn't work unless you actually follow your 419:23 program? Agreed?</p> <p>419:24 A. What I think my response -- what I 419:25 can agree to is that we put the program in place, and 420:1 we executed that program, as described, and with the 420:2 intent and certainly the execution to ensure that we 420:3 were meeting our regulatory requirements.</p>	DW03_Donald Walker Plaintiffs' Submission-364
420:11 - 420:13	<p>Walker, Donald 01-10-2019 (00:00:06)</p>	DW03_Donald Walker Plaintiffs' Submission-364

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	420:11 Q. Let's look at how diligent you were 420:12 in executing, then. Let's look at Exhibit 730, if we 420:13 could.	
420:21 - 421:9	Walker, Donald 01-10-2019 (00:00:43) 420:21 Q. Pursuant to your agreement and your 420:22 communication to the DEA and your monitoring program, 420:23 there should be Level 1 Reviews when a pharmacy 420:24 orders over their threshold; correct? Is that 420:25 correct, sir? 421:1 A. There -- in orders that went over the 421:2 threshold, a Level 1 Review was -- was called out. 421:3 Q. That's what should be done under the 421:4 program; right? 421:5 A. That's correct. 421:6 Q. And you represented that to the DEA 421:7 at your meeting in 2008? If somebody omits, meaning 421:8 they order over the threshold, there will be a 421:9 Level 1 Review; correct?	DW03_Donald Walker Plaintiffs' Submission.365
421:11 - 421:20	Walker, Donald 01-10-2019 (00:00:28) 421:11 THE WITNESS: What I represented to the DEA 421:12 and reviewed with them is that as a -- if somebody 421:13 exceeded a threshold, we would conduct a Level 1 421:14 Review. 421:15 BY MR. KENNEDY: 421:16 Q. Exhibit 730 is an audit done by 421:17 McKesson in March of 2011. Is that what it says on 421:18 the cover page, March of 2011 Audit Report? 421:19 A. Yes. 421:20 Q. If you go to page -498069. Do you	DW03_Donald Walker Plaintiffs' Submission.366
421:21 - 422:11	Walker, Donald 01-10-2019 (00:00:41) 421:21 see that? "Level 1 Forms," do you see that title? 421:22 Level 1 Forms. 421:23 A. Yes. 421:24 Q. Delran, what is that? Is that one of 421:25 your distribution centers? 422:1 A. Delran, New Jersey was one of our 422:2 distribution centers. 422:3 Q. Under that it says: 422:4 (Reading) Omit Reports were not being 422:5 signed by DC management as required by	DW03_Donald Walker Plaintiffs' Submission.367

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	422:6 policy. In addition, the required 422:7 Level 1 forms were not completed for 422:8 20 of 56 omits in July 2010, and all 422:9 54 omits for the month of November 422:10 2010 (end of reading). 422:11 Did I read that right?	
422:12 - 422:14	Walker, Donald 01-10-2019 (00:00:02)	DW03_Donald Walker Plaintiffs' Submission.383
	422:12 A. Yes. 422:13 Q. This policy is no good unless you 422:14 follow it.	
422:18 - 422:25	Walker, Donald 01-10-2019 (00:00:28)	DW03_Donald Walker Plaintiffs' Submission.384
	422:18 Q. Is that agreeable? 422:19 A. I don't agree with that statement. 422:20 What I would agree with is that we had, as 422:21 part of our control substance, any threshold that 422:22 generated a Level 1 Review needed to take place. My 422:23 interpretation of and review of this document is that 422:24 we failed to complete the paperwork associated with 422:25 that.	
423:1 - 424:21	Walker, Donald 01-10-2019 (00:01:50)	DW03_Donald Walker Plaintiffs' Submission.385
	423:1 Q. Now, New Castle. This is another 423:2 distribution center; right? 423:3 A. Yes. 423:4 Q. Under that one it says: 423:5 (Reading) The Omit Reports were not 423:6 being signed by DC management as 423:7 required by policy. In addition, the 423:8 required Level 1 forms were not 423:9 completed for 21 of 31 -- 30 omits in 423:10 July 2010, and 20 of 27 omits in 423:11 November 2010 (end of reading). 423:12 Did I read that right? 423:13 A. Yes, you read it correctly. 423:14 Q. Washington Court House, is that 423:15 another distribution center? 423:16 A. Yes, it is. 423:17 Q. Does that say: 423:18 (Reading) the required Level 1 forms 423:19 were not completed for all 19 omits in 423:20 July 2010, and all 11 omits in	

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	423:21 November (end of reading)? 423:22 Is that what that says about that 423:23 distribution center? 423:24 A. Yes. 423:25 Q. Conroe, on the next page. That's 424:1 another distribution center; is it not? 424:2 A. Yes, it is. 424:3 Q. Does that state: 424:4 (Reading) The Omit Reports were not 424:5 signed and dated by management as 424:6 required by policy. In addition, 424:7 Level 1 forms were not completed for 424:8 July and November 2010 omits. CSMP 424:9 Excursion contract forms were used in 424:10 place of Level 1 forms, although 22 of 424:11 35 omits in July and 17 out of 35 424:12 omits in November didn't have any 424:13 completed documentation (end of 424:14 reading). 424:15 Did I read that right? 424:16 A. Yes, you read that correctly. 424:17 Q. And let me ask you, when you had your 424:18 meeting with the DEA in 2008 to outline your 424:19 Controlled Substance Monitoring Program for them, did 424:20 you tell them that you would have sales reps doing 424:21 the Level 1 investigations? Did you tell them that? 424:23 - 425:7 Walker, Donald 01-10-2019 (00:00:25)	DW03_Donald Walker Plaintiffs' Submission.363
425:12 - 425:17	424:23 THE WITNESS: I don't recall that we 424:24 specified who would conduct the Level 1 Reviews. 424:25 /// 425:1 BY MR. KENNEDY: 425:2 Q. You told them, did you not -- you 425:3 described to them that you would have a system 425:4 whereby pharmacies could request an increase in their 425:5 threshold. Did you tell that to the DEA, that that 425:6 would be part of your program, pharmacies could 425:7 request increases in their threshold? Walker, Donald 01-10-2019 (00:00:20) 425:12 Q. And in your PowerPoint you 425:13 specifically represented, did you not, that if you	DW03_Donald Walker Plaintiffs' Submission.370

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	425:14 were going to increase the threshold, it would 425:15 require documentation? 425:16 A. Let me make sure I understand what 425:17 page you're referring to there.	DW03_Donald Walker Plaintiffs' Submission-371
425:25 - 426:15	Walker, Donald 01-10-2019 (00:00:51) 425:25 Q. Slide No. 7 you created. 426:1 Did you tell the DEA if you were going to 426:2 adjust the threshold, it would require documentation? 426:3 A. That's what I covered with the DEA in 426:4 that meeting. 426:5 Q. Did you tell them that you would be 426:6 giving threshold -- giving threshold increases for 426:7 reasons such as Thanksgiving? Did you tell them 426:8 that? 426:9 A. We didn't have any discussion in that 426:10 meeting around reasons for increases. 426:11 Q. Did you tell them in that meeting 426:12 that you would be increasing thresholds 30 stores at 426:13 a time for chain pharmacies? Did you tell them that? 426:14 A. Again, we had no discussion on the 426:15 reasons that we would be increasing thresholds.	
426:21 - 426:25	Walker, Donald 01-10-2019 (00:00:12) 426:21 Q. Did you tell them, that in the system 426:22 that you would be implementing, that customers would 426:23 be told that they could expect a decision on a 426:24 threshold increase within one day? Did you tell them 426:25 that?	DW03_Donald Walker Plaintiffs' Submission-372
427:3 - 427:11	Walker, Donald 01-10-2019 (00:00:23) 427:3 THE WITNESS: Again, I don't recall any 427:4 discussion around the specifics of how we would grant 427:5 increases in thresholds. 427:6 BY MR. KENNEDY: 427:7 Q. Did you tell them that this system 427:8 would be such that McKesson would tell pharmacies 427:9 that if they requested an increase, that they could 427:10 presume that that threshold increase was granted and 427:11 approved unless they heard otherwise?	DW03_Donald Walker Plaintiffs' Submission-373
427:13 - 427:15	Walker, Donald 01-10-2019 (00:00:03) 427:13 BY MR. KENNEDY: 427:14 Q. Did you tell the DEA that that's the	DW03_Donald Walker Plaintiffs' Submission-374

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427:17 - 427:18	427:15 kind of system that you would implement? Walker, Donald 01-10-2019 (00:00:05)	DW03_Donald Walker Plaintiffs' Submission-375
428:5 - 428:7	427:17 THE WITNESS: Counsel, we had no discussion 427:18 around our methodology of threshold increases. Walker, Donald 01-10-2019 (00:00:06)	DW03_Donald Walker Plaintiffs' Submission-394
428:9 - 428:19	428:5 Q. And, sir, you went all through this 428:6 discussion with the DEA about how you were going to 428:7 report suspicious orders to them; did you not? Walker, Donald 01-10-2019 (00:00:28)	DW03_Donald Walker Plaintiffs' Submission-391
432:20 - 433:4	428:9 THE WITNESS: We -- we covered with them the 428:10 process and how we would -- and when we would report 428:11 suspicious orders based on our three-tiered review 428:12 process. 428:13 BY MR. KENNEDY: 428:14 Q. But, again, if you don't follow your 428:15 own policies that you put in writing, they don't do 428:16 anybody any good, do they, unless you follow them; 428:17 right? 428:18 A. We followed our policies as we 428:19 outlined. Walker, Donald 01-10-2019 (00:00:40)	DW03_Donald Walker Plaintiffs' Submission-376
433:7 - 433:7	432:20 Q. And, sir, you've told us that 432:21 McKesson diligently, aggressively applied the 2008 432:22 Controlled Substances Monitoring Program; is that 432:23 what you've told us? 432:24 A. Yes, that was my testimony. 432:25 Q. Sir, didn't McKesson get fined 433:1 \$150 million by the DEA because of their failures 433:2 with respect to the 2008 program, leading all the way 433:3 up from 2008 and '09, '10, '11, '12, '13, '14, '15, 433:4 '16, and '17? \$150 million. Walker, Donald 01-10-2019 (00:00:01)	DW03_Donald Walker Plaintiffs' Submission-377
433:10 - 433:15	433:7 Q. Do you recall that, sir? Walker, Donald 01-10-2019 (00:00:17)	DW03_Donald Walker Plaintiffs' Submission-378
	433:10 THE WITNESS: All that I'm aware of is 433:11 that -- and because it was public information, is 433:12 that McKesson paid \$150 million. I don't understand 433:13 any of the details of the settlement, of the 433:14 documentation, because all of it occurred after I 433:15 left the company.	

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435:15 - 435:21	Walker, Donald 01-10-2019 (00:00:21) 435:15 Q. Well, so what I'm -- can you explain 435:16 to me how you can come in here and tell us that 435:17 McKesson was diligent and aggressive in following and 435:18 implementing its 2008 agreement, and you haven't read 435:19 the settlement covering that same period of time with 435:20 respect to the implementation of that program? How 435:21 can you -- how can you not have read this?	DW03_Donald Walker Plaintiffs' Submission 379
435:23 - 435:25	Walker, Donald 01-10-2019 (00:00:05) 435:23 THE WITNESS: Counsel, I wasn't with the 435:24 company when -- to my knowledge, when this document 435:25 was -- was generated.	DW03_Donald Walker Plaintiffs' Submission 380

Plaintiffs Affirmative Designations = 02:00:59

Defense Counter Designations = 00:22:39

Plaintiff Counter Counters = 00:16:58

Defense Completeness Counter Counters = 00:06:03

Total Time = 02:46:39